SPECIAL SECTION
JUNE BALLOT PROPOSITIONS

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

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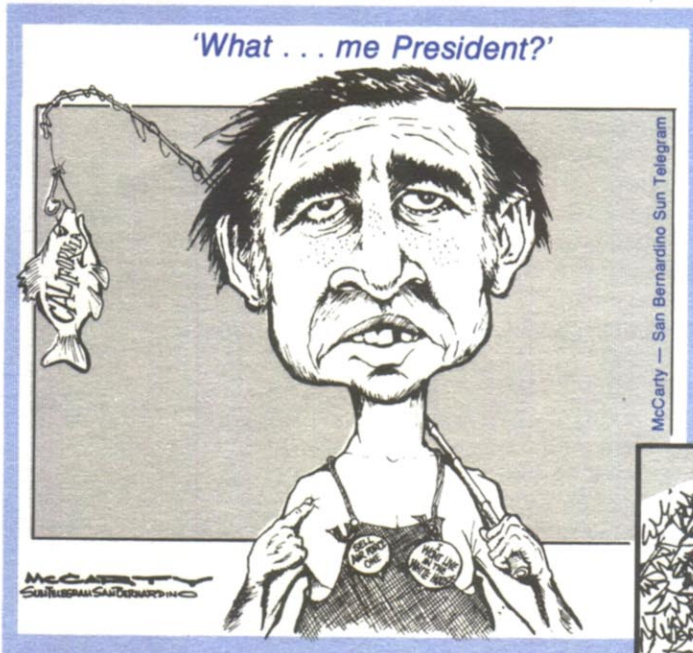
THE BROWN PRESIDENCY



'. . . But, I wouldn't want to live there!'
BROWN
Editorial cartoon by Paul Conrad
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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Selling of the diamonds

Hardly anyone who lived in the Bay Area during the late '50's can forget The Hump, a device developed by the state bridge engineers to allow traffic to flow on the Oakland-San Francisco Bay bridge during reconstruction of the span. Pictures were taken of late-night drivers soaring through the air after hitting The Hump at full speed. The state Division of Bay Toll Crossings was the laughing stock of the Bay Area.

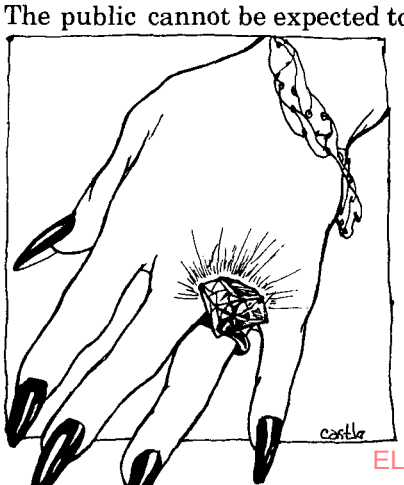
The engineers made a serious mistake — but it wasn't erection of The Hump, actually an ingenious device that kept the bridge open while major reconstruction work was in progress on the Yerba Buena tunnel connecting the two sections of the Bay Bridge. The mistake was one of public relations, allowing the The Hump to appear without adequate preparation. Looking back, the engineers should have announced that the bridge would be closed for long stretches each day, causing panic among commuters. Then, at the 11th hour, the state should have revealed that it had discovered a way of preventing that ordeal — The Hump. The device would have been viewed as a godsend instead of a joke.

All of which leads up to the recent controversy in Los Angeles over the attempt of the state Department of Transportation to impose the experimental Diamond Lanes on commuters using the Santa Monica Freeway. In brief, the department decided to reserve the inside lanes of the freeway between Santa Monica and downtown Los Angeles for buses and cars containing three or more people. There is nothing particularly revolutionary in the exclusive-lane approach. It has been used successfully in the Bay Area and in many cities.

When the diamonds appeared on the highways, many Angelenos reacted with shock and horror. The traffic bottleneck was worse than ever. The media reacted to the lanes as the Bay Area press had greeted The Hump. Only a few mass-transit fanatics and CalTrans defended the experiment. From a public-relations standpoint, the Diamond Lane project was probably the first major political error of the Brown Administration.

CalTrans neglected to take into consideration two prime factors: The experiment threatened the lifestyle of the typical Los Angeles resident, who views the automobile as an extension of the personality. Secondly, Los Angeles traffic does not fall into handy corridors that lend themselves easily to use by buses and car pools.

The public cannot be expected to buy an exclusive-lane program until good alternative transportation is available, and the Los Angeles bus system hardly meets that standard. The public somehow must be scared into believing that the special-lane concept is preferable to some alternative, as could easily have been done with The Hump in the Bay Area. Even so, it will take extraordinary salesmanship to convince auto-loving Southern Californians that diamonds are a driver's best friend.



California Journal

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UP FRONT

The inside story on the rapproachement between Lieutenant Governor Mervyn Dymally and Mayor Tom Bradley of Los Angeles, long political enemies: They were brought together by a mutual friend and worked out an arrangement that included these elements:

Bradley would join Dymally in supporting Jerry Brown's presidential campaign. (Dymally is working hard for Brown in the hope there will be a promotion in it for him.)

Dymally would work for Bradley in next year's mayoralty campaign. (Bradley may need all the help he can get.)

Bradley will not put his muscle into the Assembly contest between Johnny Collins, a member of the Dymally team, and Maxine Waters, aide to Bradley-ally Councilman David Cunningham.

Assemblyman Leon Ralph, a Dymally associate, will hang tough against a bill by Senator Alan Robbins on downtown Los Angeles redevelopment designed in part to embarrass Bradley. (Robbins wants to run for mayor. Ralph, who is retiring from the Legislature, holds a pivotal vote that could spring the Robbins bill loose. The threat of this bill being passed also prompted the Central Labor Council in Los Angeles to support Collins.)

Dymally, incidentally, calls the attempt by his brother, Romer, to defeat Assemblywoman Teresa Hughes (a protege of the lieutenant governor) "a joke."

Why hasn't anyone raised a fuss about the fact that the 10 million ballot pamphlets for the June primary election were printed in Indiana? That's $700,000 that could have provided jobs in California. The work was farmed out to Indiana by the state printing plant, which claims it couldn't handle the workload.

A letter addressed to the state Department of Commerce was returned by the post office with these markings in large letters: "Refused. This state department abolished." Comment from the sender, Gerald Bowden of UC-Santa Cruz: "Impossible!"

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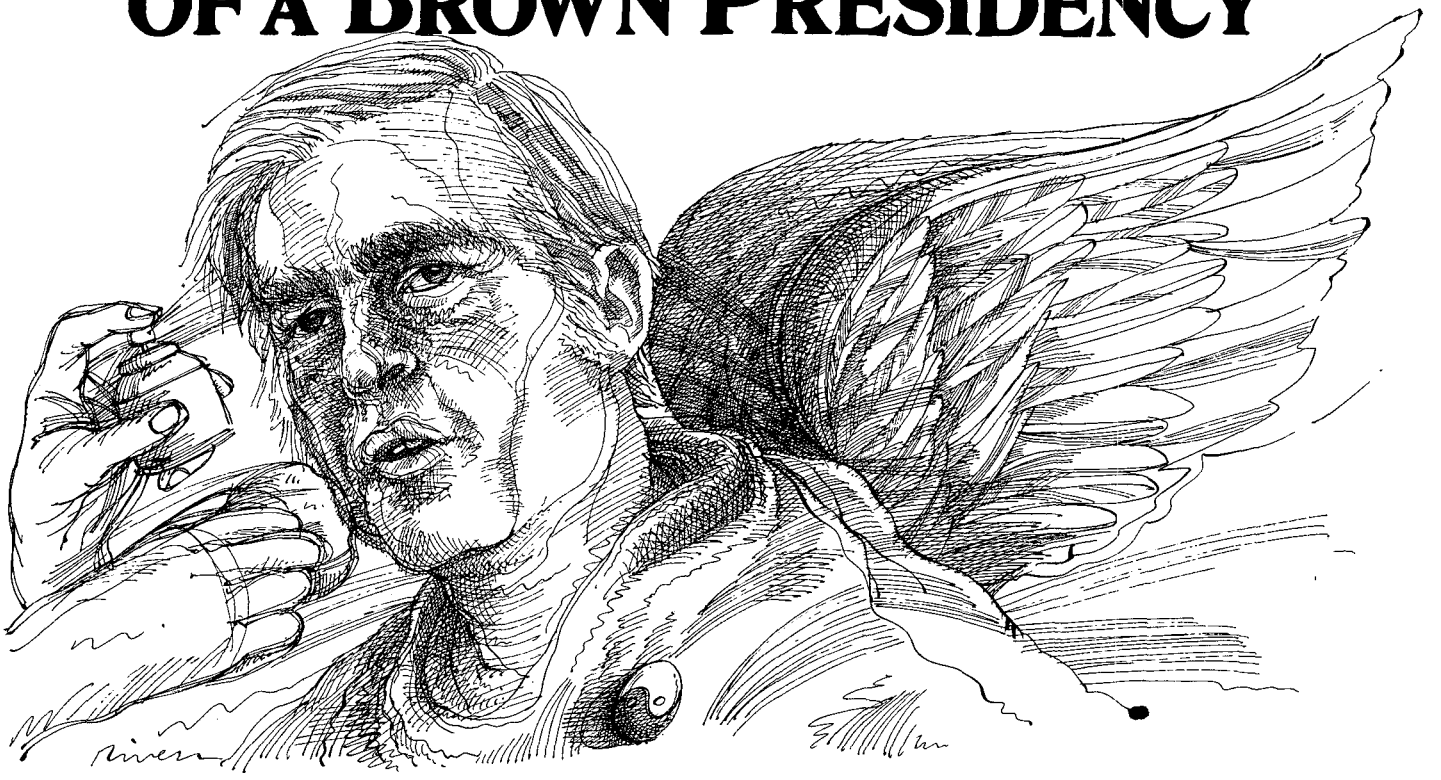
THE SHAPE AND STYLE OF A BROWN PRESIDENCY



By Ed Salzman

As President, Jerry Brown would be:

a) a spiritual and philosophical leader who would instill a new morality in American society
b) a shrewd and calculating politician who would give the masses what was politically pragmatic at all times
c) both of the above
d) neither of the above.

That's the trouble with trying to analyze the California Governor who has repeatedly been labeled as the most fascinating politician in the United States today. Even those who have followed his political career for some time wouldn't feel absolutely confident answering this multiple-choice question. Brown has a unique capacity for blending high-sounding governmental philosophy with the manipulation of the media to benefit his political career.

The Governor is a serious contender for the Democratic national ticket this year, not because he says so, but because George Gallup found Brown more popular than all but three of the other potential Democratic nominees, Jimmy Carter, Hubert Humphrey and George Wallace. Even Gray Davis, Brown's chief of staff, said he was surprised that Brown's nine percent ranking put him ahead of such campaigners as Henry Jackson and Morris Udall.

Brown can win the nomination for president only one way: through an early-ballot deadlock followed by an auction among those controlling large blocs of votes. Jimmy Carter presumably will lead on the first ballot, and there are those who feel he might have the nomination wrapped up by the time the convention begins. That's why the Brown-Carter confrontation in California will be so important. If Carter beats the Governor on Jerry's home turf, that could wrap up the nomination for the Georgia peanut farmer. Assuming Carter is stopped, the next major effort probably would be made on behalf of the party's happy warrior, Hubert Humphrey. There may be enough new faces at the convention to halt a pro-Humphrey move spearheaded by labor leaders and the party traditionalists. Should Humphrey fall short, anything could happen. That anything could include a turn to Brown, who might become acceptable to Democrats across the political spectrum.

Carter and Brown?

The scenario game doesn't stop there. Brown's chances for landing the second spot on the ticket are excellent, although it might be doubtful whether the party could avoid putting Carter on the ticket after his string of primary victories. A Carter-Brown combine would violate the tradition of balancing a ticket. Both have the same type of appeal — the young anti-Washington reform image. But nothing in politics seems to follow tradition these days.

What would Brown be like as the Democratic nominee for president, and then as President? It would be simple to take the easy route and say he would be just like he has been as a candidate for Governor and as Governor. But, would the national press tolerate the kind of vague "New Spirit" campaign he conducted in California two years ago? Could Brown cope with national defense and international relations the same way he has handled relatively

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minor matters as Governor? A study of the Governor shows that there have been as many shades of Brown as there have been political situations into which he has thrust himself:

- *As Secretary of State, he was the master of the news release and the press conference, milking every drop of political advantage from the office. He managed to build an image as a political reformer, cracking down on election-law violators and sponsoring a political-reform initiative (Proposition 9) which was subsequently approved by the electorate.*
- *As a candidate for governor, he became the "New Spirit" who rarely took firm stands on issues and chose to sit on his lead in the polls. He talked mostly about the contrast between what he would bring to the Governor's office – the New Spirit – and what was offered by Republican Houston Flournoy – "recycled Reaganism."*
- *As Governor, Brown showed a new face, that of an ascetic anti-materialist whose fiscal policies were from the school of Ronald Reagan. His rejection of the trappings of the office - the new mansion, the limousine, gifts – and his attacks on free-spending big government – brought him from near defeat in November 1974 to the status of the most popular governor in recent California history.*

Now, as a candidate for president, he faces a different political task — convincing the public that he is more than a favorite-son contender seeking a place on the trading floor at a brokered convention. He is speaking out on issues peculiar to the federal government — the nation's defense posture and its relations with foreign countries. He has been devoting a great deal of his time to studying the intricacies of these issues.

"Global village"

Brown will probably not do much traveling to other states where his popularity will be tested at the polls, partially because that could damage him at home. But, he also takes the view that we all live in a "global village," and there is no need for a politician to rush around the world to get his or her message out to the public. Brown apparently has succeeded, if the Gallup poll is any indication. He also has benefitted from the efforts of eastern broadcasters and writers who have flocked to California for chats with the state's 38-year-old philosopher-governor.

They learn about some of Brown's key beliefs — that people must lower their expectations because we can't continue our current consumption binge, that we should employ the Buddhist economic principle that small is beautiful, that non-action is sometimes a useful leadership technique, that refusal to act often will bring hidden issues to the surface, that inconsistency can be a virtue, that unpredictability can be a powerful weapon in the hands of a skillful leader, that solutions to problems cannot be prepackaged because most problems involve people, that planning is what government does when it doesn't have anything useful to do — and like that.

Brown's intellectual curiosity — and there's no doubt that it is genuine — is extremely impressive to political analysts who are accustomed to interviewing politicians who rarely read novels let alone philosophical tomes. On the home front, the presidential campaign was off to a flying start with volunteers and money flowing freely. Presidential Candidate Brown is a blend of the idealist we sometimes see as Governor and the politician we saw as Secretary of State. He keeps talking about government in a philosophical way, but he is also holding more meetings with the press to bring forward specific ideas on national and international issues.

The Governor may have helped solve two problems at once by naming LeRoy Chatfield, most controversial member of the beleaguered state Agricultural Labor Relations Board, as his national campaign organizer. This move couldn't help but relieve some of the tension over the funding of the ALRB, and it gave Brown a campaign hand with excellent inroads into organized labor and church leadership.

The political risks

The decision to run for president carries some political risks. Suppose Jimmy Carter beats Brown in the California primary. Won't that be an enormous blow to Brown's standing in the state and, perhaps more importantly, to his ego? Suppose the public decides that the run for the presidency means that Brown is just another politician after all? Won't that severely damage his standing at the polls and make reelection in 1978 much more difficult?

If you assume that Brown is a politician — and he's a good one — he really had to run for president this year because that's the goal of just about everyone who enters the political arena. Sure, there will be seven more presidential elections before Brown achieves senior-citizen status. But there may never be a better opportunity to win than this year when it appears that the convention probably will not be controlled by any single candidate. A cardinal rule of politics is that few opportunities for advancement occur in a lifetime, and they must be taken as they arise.

What if Brown should win the presidency? Would another shade of Brown appear? Gray Davis, Brown's chief of staff and confidant, says, "there is no reason to

ABOUT THE CARTOONS

This layout showing how five California cartoonists reacted to Jerry Brown's presidential campaign was the brainchild of Dennis Renault, cartoonist for the McClatchy Newspapers. Renault assembled the artwork and received permission for the Journal to reprint the cartoons.

I'm flying from Sacramento to Washington, D.C., with a brief stop in New York City.

I'm Jerry and I want to be president.

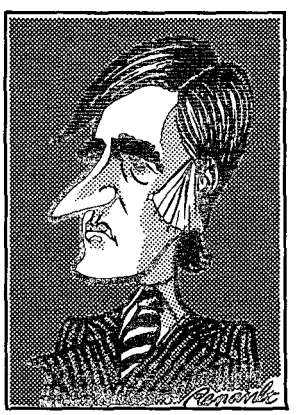
Why not? I've already been governor of California for fifteen months.

Some say I don't have much experience, but since we're entering an era of Limitations that makes me an expert.

In fact, I'm the only candidate with less experience than Jimmy Carter. And he's ahead of everybody.

My campaign slogan is 'Lower Your Expectations'.

Unless you're governor.



I'M JERRY. FLY ME.

FLY THE NEW SPIRIT

Renault — Sacramento Bee

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think his style would change significantly." But Davis concedes that there would be some changes in the way agency chiefs deal with the man at the top. Agency secretaries in California are primarily extensions of the governor's office. At the federal level, they are the operating heads of departments. There are some tremendous differences between the roles of the state and federal governments that would force Brown to make changes in emphasis, if not in style.

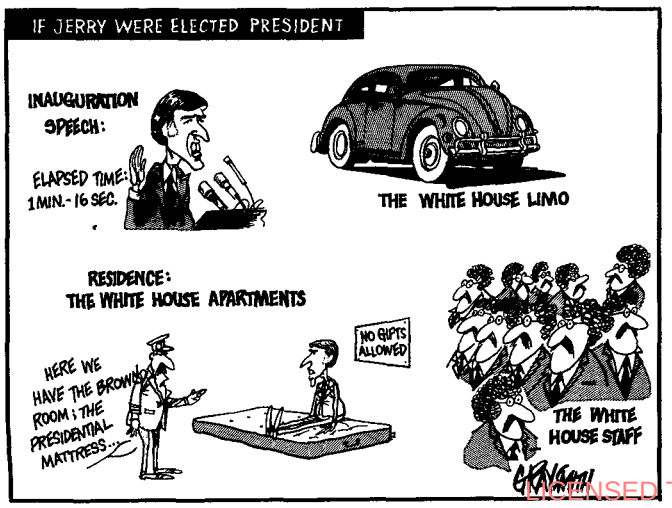
Conduit for funds

Brown's critics keep asking what he has accomplished in 15 months, aside from creating the ill-fated Agricultural Labor Relations Board. State government, as it happens, does not lend itself to a sustained series of major accomplishments by a Governor or the Legislature. Pat Brown is probably best remembered for the Caryl Chessman execution, raising taxes, and the State Water Project. (The senior Brown says his job was to cope with California's growth, while his son has a tougher job — improving the quality of life.) Ronald Reagan also raised taxes, engineered a welfare-reform compromise and failed to place tight constitutional spending limits on the state.

The job of state government is primarily to serve as a tax collector and conduit for funds traveling from Washington and Sacramento to city and county governments. Aside from highway transportation, most major state functions operate either under tight federal regulations, are delegated to local government or are run by semi-independent bodies such as the University of California Regents. Governors exercise power through the allocation of funds, and Brown has elected to guard the state's surplus scrupulously instead of handing out funds sought by special-interest organizations.

What the federal government does — from taking the nation to war to raising Social Security benefits — hits much harder at the daily lives of the people. Brown would be forced to make adjustments by the mere weight of the office of president and by the plethora of important decisions which would have to be made daily. Brown would probably be forced to live in the White House or another secure federal residence, to travel in a government plane, to accept Secret Service protection, and to make small talk with heads of state. But Brown would also try to find time for study and reflection, and he could spend a great deal of his time at a retreat like Camp David.

Gray Davis feels that Brown would dive into his first federal budget much as he did when he assumed the governorship. This is because the budget is a "table of contents" for the entire government, and, by delving into each appropriation personally, Brown would acquire a broad-scale knowledge of what really makes Washington tick.


IF JERRY WERE ELECTED PRESIDENT
INAUGURATION SPEECH:
ELAPSED TIME: 1 MIN.-16 SEC.
THE WHITE HOUSE LIMO
RESIDENCE: THE WHITE HOUSE APARTMENTS
HERE WE HAVE THE BROWN ROOM; THE PRESIDENTIAL MATTRESS...
NO GIFTS ALLOWED
THE WHITE HOUSE STAFF
GRAYSMITH

Graysmith — San Francisco Chronicle

But the federal budget is a much more complex operation than the state budget, partially because there are so many more agencies and because funds for the Central Intelligence Agency are camouflaged.

Waste vs. weapons

The real action in the budget is in the defense appropriation, and this will pose for Brown perhaps his toughest problem. The skinflint in him would probably want to cut billions of dollars worth of fat from Pentagon requests, but the politician in him would want to avoid being accused of weakening the nation's defense posture. So Brown would face the tricky task of simultaneously eliminating waste and retaining weapons superiority.

The Secretary of State in a Brown Administration might as well be a career foreign-service officer, because the job would probably be comparable to that of state Finance Director Roy Bell while Brown was formulating his first do-it-yourself budget. It seems unlikely that Brown would be willing to delegate responsibility for major foreign policy negotiations to a subordinate. High-plane negotiations seem ideal for the man who thinks in terms of global concepts. There could hardly be an all-powerful Henry Kissinger in a Brown presidency.

In the early days of the Brown gubernatorial administration, there was relatively little delegation of authority. But, through an evolutionary process, some department heads have been allowed to run their own shows. Brown learned which of his subordinates were in tune with his thinking, and the subordinates discovered what they had to do to make the boss happy. An evolutionary process of this sort would probably also take place in Washington, and it could happen more rapidly if Brown chooses to take most of his key aides with him, as is likely.

The Washington Establishment would undoubtedly feel uncomfortable about the non-traditional breed of executive Brown would appoint — former college roommates, advocates of the "small is beautiful" philosophy, Blacks, Indians, Chicanos and environmentalists. There would be very few old political hacks in the Brown Administration, and Washington lobbyists would have to learn a new language to get their message across.

English spoken here

The language of the federal government would be a special project of President Brown. The Governor has an almost fanatical attitude toward the gobbledegook that pervades federal communications. He has talked about refusing to sign any document he cannot understand. He has personally rewritten state applications for federal funds so that they would be written in English instead of bureaucratese. He has raged against complex regulations that pour out of Washington every day. As President, Brown would probably even continue to write some of his own veto messages. And he probably would not hesitate to veto bills any more than Gerald Ford has as President or Brown has as Governor.

Brown's relations with Congress would probably be surprisingly good, although the Governor is not adept at passing out the ego-strokes which politicians seem to need in abundance. (Anyone with a delicate ego needing constant fueling from the boss had better not be employed by Jerry Brown.) Congress has been the whipping boy of every President, but Brown would probably not blame Congress for failing to solve every national problem (as has Ford and many of his predecessors). As he has done in Sacramento, Brown would probably hand Congress a relatively short shopping list and let Congress do its own thing. Then he would examine each bill carefully and de-

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Translating poll results into delegates

How well will Governor Brown do in this June's Democratic presidential primary? Unless there is a major error in Mervin Field's California Poll or a significant change of heart by California voters, Brown could go to New York with more than 200 of the state's 280 delegates.

From a glance at the poll released in mid-April by Field it might appear that Brown may not even get half of the state's delegates. The results: Brown, 47%; Jimmy Carter, 15%; George Wallace, 9%; Henry Jackson, 8%; Morris Udall and Frank Church, 5% each. But these raw figures do not take into account the complicated delegate-apportionment plan in effect for the Democratic primary this year. Under the supposedly proportional representation plan, any candidate getting under 10 percent in a Congressional district will get no delegates. Votes will then be recomputed and delegates assigned proportionately among those candidates getting 10 percent or more.

Let's assume that the results in each of the state's 43 Congressional districts are precisely as they were in the California Poll. In that case, only Brown and Carter would get any delegates. In a district with five delegates, Brown would get four and Carter one. That would give Brown 80 percent of the delegation and Carter 20 percent.

Among other things, the Field Poll showed that Brown's announcement that he was running for president had no adverse effect on the electorate. Through separate questions, pollsters found that Brown's gubernatorial ratings with the public were amazingly high (53% good job, 32% fair job, 9% poor job, 6% no opinion).

While Field had good news for Brown, he had a disheartening report for the state's other presidential candidate, Ronald Reagan. President Ford took a 47-42 lead over Reagan, compared to a 54-37 lead for the former governor in February. With a large undecided element, the poll shows that Reagan can take the winner-take-all California primary if there is still a chance he can get the nomination. But if Ford looks like a sure winner, Californians appear ready to jump on his bandwagon.

The state's other major contest, for the United States Senate seat now held by Democrat John Tunney, produced something of a shocker. Former San Francisco State University President S.I. Hayakawa took a five-point lead over former Lieutenant Governor Robert Finch, with Congressman Alphonzo Bell and former Lieutenant Governor John Harmer trailing far behind.

In previous Field polls, the runaway leader was Congressman Barry Goldwater Jr., who chose not to run. By picking up the lion's share of the Goldwater preference, Hayakawa displayed surprising strength within the conservative wing of the Republican Party. Hayakawa moved up 16 points, from 17 to 33, after Goldwater departed. Finch gained only six, from 22 to 28. This indicates that Hayakawa's image is based primarily on his get-tough stand with student rioters and not on his many years as a liberal Democrat.

Harmer, who should be cornering much of the Goldwater vote, is the only full-blooded conservative of the four. Yet, it now appears that as his candidacy progresses, he may be chipping away at Hayakawa's lead and thus helping Finch, who has stable support from the moderate element in the party and who has an efficient organization.

From Tunney's standpoint, the worst thing that could happen probably would be for Hayakawa to win the primary. This is because the semanticist might be able to cut heavily into the traditional Democratic vote, especially in the San Francisco Bay Area where his liberal leanings are widely known.

Field also had some good news for Tunney. The campaign of former anti-VietNam War activist Tom Hayden is not getting off the ground. Hayden was unable to rise above 15 percent, where he has stood from the beginning of the campaign. Tunney, on the other hand, moved up from a low of 51 percent to 58 percent, a much more comfortable figure.

The California Poll figures should not be taken lightly. Field has an excellent record, and his findings are one of the most important factors in determining the direction of California campaigns. And what he told us in mid-April was that almost all the interesting action in terms of close statewide races this June will be within the Republican Party.

cide whether to sign or veto it. There would, in a sense, be an end to the tradition of virtually every bill carrying a for-or-against brand from the White House.

The Governor has two important natural allies in Congress, Senator Alan Cranston, who has been rising in Senate influence, and Representative Phil Burton of San Francisco, currently Democratic caucus chairman (and a possible future speaker of the house). Brown solidified his relations with Burton by appointing a long-time Burton aide, Joe Baeman, as the state government's representative in Washington.

The expectation that Brown would get along well with Congress cannot be based on his relations with the state Legislature. The fact is that Brown does not enjoy a wellspring of goodwill in the Senate and Assembly. He has avoided much open conflict because he is so popular with the public (and politicians attack those in high public esteem at their own risk), and because Assembly Speaker Leo McCarthy is his chief ally. Privately, few legislators express warmth for Brown. A few, like Senator Alfred Alquist, have allowed their feelings to show. Even some Democrats say privately they hope that Brown's gamble for the Presidency starts him on a downward slide in popularity.

If Brown is successful in making the national ticket and the Democrats prevail in November, he will leave behind the legislative problem to a specialist on the subject, Lieutenant Governor Mervyn Dymally, who has served both in the Senate and Assembly. But, should Presidential Candidate Brown return from the New York convention in July as just plain Governor Brown, how much erosion in popularity will he have suffered and how reelectable will he be in 1978? The answer to that question will depend in large measure on whether the California public views him as an ascetic idealist or as just another ambitious politician.

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THE MOSK DOCTRINE

The state Supreme Court's declaration of independence

By Ronald Blubaugh

After three years of hesitation, a clear majority of the California Supreme Court has decided to strike out on its own against the increasing conservatism of the nation's highest court. The California court is specifically refusing to follow the lead of the U.S. Supreme Court in the touchy areas of confessions by criminal suspects and police searches of a suspect's belongings and property. Relying on the California Constitution as its authority, the state court is developing a separate set of rules for criminal defendants from those espoused by the U.S. Supreme Court.

The trend is a significant personal victory for Justice Stanley Mosk, a former California attorney general who was appointed to the high court by the first Governor Brown. Mosk proposed that the California court strike out on its own in a 1973 speech, saying "there is not the slightest impropriety" in finding a stricter standard in the state constitution. Initially, Mosk found only a minority of the court willing to accept his view. But by early 1976, it became clear that his California independence approach commanded a four-member majority of the seven-member California Supreme Court.

Doubtless when what has happened becomes clear to law enforcement groups, there will be a serious attack on the state's high court, including — if the right issue arises — recourse to an initiative to reverse a decision. The present composition of the court's majority has been in the hot seat before with a 1972 decision outlawing the death penalty, and it seems unthreatened by controversy.

California's independence

The significance of the growing California declaration of independence is that it promises to create a whole new field of law -- California Constitutional Law. In any case involving such areas as search, seizure, interrogation of a criminal suspect, free speech, the right of privacy or other matters covered by the federal Bill of Rights, an attorney will have two weapons. First line of attack will be the federal constitution. If that is cut off by some U.S. Supreme Court decision, the lawyer can claim next that the California Constitution requires a rule more protective of individual rights than does the U.S. Constitution. Sections of the California Constitution, which have been little used as seeming duplications of the U.S. Constitution, will suddenly have a new and separate vitality.

Members of the state Supreme Court first wrestled with the problem of a growing conservatism on the U.S. Supreme Court in a shopping-center free speech case (See *CJ* November 1974). Mosk's call for an independent course lost on a 4-3 vote as members of the California court reversed themselves in order to follow a holding of the U.S. Supreme Court. The key vote in that reversal was Chief Justice Donald Wright who explained in an interview that, in cases involving nearly identical sections of the state and federal constitutions, he was willing to follow the interpretation given by the U.S. Supreme Court.

Justice Wright stayed with that perception in another 1974 decision, *People* v. *Nudd*. Prison inmate Benjamin Nudd was caught with a hypodermic syringe in his cell by a guard who observed him flush something down the toilet. After the guard informed Nudd of his *Miranda* rights, the inmate said he had no comment. Then, the officer asked Nudd, "off the record," why the inmate had fought with the officer when the officer had entered his cell. Nudd replied that he had to get rid of the drugs. Later, at the trial, Nudd's off-the-record statement was used to impeach his own testimony. Citing the 1971 U.S. Supreme Court decision of *Harris* v. *N.Y.*, the California court ruled by a 4-3 vote that an illegally obtained confession could be used to impeach false testimony. Justice Mosk wrote the dissent, arguing that California had no obligation to follow the federal rule because of an independent line of state cases going back nearly 20 years. "Thus the California exclusionary rule was and is of wholly independent status, not subject to the shifting sands of federal court interpretations of *Mapp* (a case in which the U.S. Supreme Court applied the exclusionary rule to the states) and its progeny," wrote Mosk.

Wright pivotal

Then, in February 1975, Justice Wright switched sides in the case of *People* v. *Brisendine*. Michael Brisendine and three companions had camped in a remote area of the San Bernardino National Forest one summer evening. They were found there by two deputy sheriffs, who intended to remove them from the forest to a patrol vehicle where the campers would be cited for violation of a county fire code. Before the trip back, the deputies searched the four young men and found marijuana and restricted drugs in Brisendine's knapsack. Writing for a 4-3 majority, Justice Mosk specifically declined to follow the 1973 U.S. Supreme Court decisions of *U.S.* v. *Robinson* and *Gustafson* v. *Florida*, which permitted unrestricted searches of all persons subject to custodial arrest. Mosk rested his decision solely on the California Constitution which, the court held, "requires a more exacting standard for cases arising within this state." Mosk said the officers could properly search Brisendine for weapons and for evidence

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of the crime for which he was charged. Since the offense involved was one of camping in a restricted area, and since a weapon could not possibly have been in the opaque bottle and foil where the drugs were found, the court ruled the officers seized the drugs illegally. The drugs, thus, were inadmissible at trial, and the conviction had to be reversed. After reviewing a series of California cases, Justice Mosk wrote:

"The foregoing cases illustrate the incontrovertible conclusion that the California Constitution is, and always has been, a document of independent force. . . . It is a fiction too long accepted that provisions in state constitutions textually identical to the Bill of Rights were intended to mirror their federal counterpart. The lesson of history is otherwise: the Bill of Rights was based upon the corresponding provisions of the first state constitutions, rather than the reverse."

Justice Wright was among the signers of the Mosk opinion and, later, in 1975, Wright authored a similar opinion in the case of *People* v. *Norman,* where the warrantless search of a tobacco pouch was thrown out in a 4-2 decision. The seventh justice, Frank Richardson, concurred in the result but not the reasoning.

Test of conversion

Still, it was not until February 1976 that the depth of Justice Wright's conversion was tested. The test came in *People* v. *Disbrow,* a double killing case. Robert Disbrow was convicted of second degree murder and voluntary manslaughter for the killing of his separated wife and another woman during a shoot-out. Disbrow, himself, was wounded five times. While Disbrow was being wheeled from a hospital emergency room, a police officer with a concealed tape recorder tried to talk to him. Disbrow said he wished to remain silent and consult an attorney, but the officer pressed on, assuring Disbrow that any statements he made could not be used against him in court. Disbrow was persuaded by the false assurances of the officer, and made incriminating statements.

Legally, *Disbrow* was a repeat of the prison inmate Nudd's case. In an opinion written by Justice Mosk, the California court reversed the conviction and overruled *Nudd.* Chief Justice Wright wrote a short concurring opinion in which he explained that, when he wrote *Nudd,* he did not conceive of such incidents as "the present flagrant violation of *Miranda.*" Wright wrote:

*"I now recognize that (*Miranda*) rule is eviscerated when police officers can ignore the duty to give the warnings or, as in the instant case, violate* Miranda *. . . requirements knowing full well that the illegally obtained statements may be admissible for impeachment purposes if a defendant elects to testify . . . I now recognize that this manifestly prejudicial and unfair use of the illegally obtained evidence would transform Miranda into a rule of form rather than one of substance. Such a transformation should not occur in California."*

The dissent this time was penned by Justice Frank Richardson, Governor Reagan's last appointee and the newest member of the court. He was joined by Justices William Clark and Marshall McComb, both of whom had previously protested the assertion of independent state constitutional grounds. "I cannot join the present majority in their sudden and disquieting deviation from the clearly applicable decision of the United States Supreme Court in *Harris* v. *New York* . . . and in their reversal of our own recent decision in *People* v. *Nudd,*" Richardson wrote. He notes there is "very obvious and substantial identity of phrasing" in the applicable sections of the U.S. and California Constitutions. There should be an identity of interpretation of the two sections whenever possible, Richardson wrote, citing a warning made last year by a lower court judge in the *Norman* case:

"A sudden switch to a California ground to avoid the impact of federal high court decision invites the successful use of the initiative process to overrule the California decision with its concomitant harm to the prestige, influence and function of the judicial branch of state government."

Moreover, Richardson continued, the present course of the majority inevitably will lead to "a shadow tier of dual constitutional interpretations state by state which, with temporal variances, will add complexity to an already complicated body of law." He said the assertion of an independent California rule would provide only a "transient exhilaration," followed by an unnecessary complication of laws that should be "simple, uniform, consistent and cohesive."

There is, of course, nothing improper in what the California court is doing. Arguments can be made about its advisability, but not its legality. When the U.S. Supreme Court sets forth a rule on a constitutional issue, it is establishing a minimum standard. An individual state always has been free to establish a stricter rule. Indeed, Hawaii, Pennyslvania and Texas preceded California in deciding not to follow the U.S. Supreme Court in allowing illegally obtained confessions to be used to impeach a criminal defendant. As Justice Mosk wrote in *Brisendine,* the nation's founders devised the federal Constitution as a means to protect the states against the abuses of a strong central government. They envisioned state charters as the means of protecting individuals from excesses of local officials. So, in asserting an independent state reason for providing extra protections to the individual, the California Supreme Court is hardly innovating.

While it is a proper thing for a state court to do, the heavy reliance on a state constitution can be an unpolitical thing. The electorate showed its willingness to reverse the California Supreme Court following its 1972 decision abolishing the death penalty. If the court gets a reputation, fairly or unfairly, of being "soft" on criminals, it could subject itself to repeated attacks by petition-carriers. And, if the people overrule the court very often, it would be — as Justice Richardson and others have warned — harmful to the judicial branch of government. The court has chosen to walk a narrow path in a field where even the softest steps can send out a shattering echo.

Update of candidate list

The following changes should be noted in the list of candidates published in last month's Journal:

- *40th Congressional District* – Add Democrat Rod Wilson of Oceanside.
- *41st Congressional District* – Delete Democrat Louisa A. Desmond of San Diego.
- *4th Assembly District* – Delete Republican Henry Van Meter of Sacramento.
- *21st Assembly District* – Replace Republican David Holland of Palo Alto with Republican Sandy Sanger of Mountain View.
- *49th Assembly District* – Delete Republican E. Dana Gibson of Marina del Rey.
- *59th Assembly District* – Delete Republican Robert Di Alto of Alhambra.
- *66th Assembly District* – Delete Democrat Kathy Paulson of San Bernardino.
- *75th Assembly District* – Delete Republican Raul Palomo Jr. of Palm Springs.

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KEEPING 'EM DOWN ON THE FARM

The legislative battle over preserving agricultural land

By VALERIE C. KIRCHER

If Old MacDonald had his farm today, instead of 60 years ago when the popular children's song was written, we would hear more "grunt-grunts here" uttered, not by the animals, but by Old MacDonald himself. Farming is a rough business. Although farm prices have risen sharply in recent years, so have the costs of doing business. Farming remains vulnerable to a host of largely unpredictable risks: weather, disease, and huge market fluctuations that can spell the difference between bonanza or bankruptcy. For farms on the urban fringe, things are rougher still. Nearby subdivisions increase property values and property taxes as well. It is not surprising that many fringe-area farmers sell out to developers, especially when they discover their land is worth far more for subdivisions than for crops.

California, among other states, must preserve prime agricultural land near urban areas within this decade or suffer the consequences. The rate of urbanization is alarming. During the fervent building campaign of the 1950's, some 60,000 acres of California's agricultural land were developed each year. The current conversion rate is about 20,000 to 25,000 acres a year, and seems to be increasing. According to state Office of Planning and Research estimates, there are approximately 12.5 million acres of prime agricultural land and about 7.8 million acres of potentially prime land (land which can be converted to prime with a reasonable financial investment) in California today. About 620,000 acres of prime and 445,700 acres of potentially prime land are in the path of urban expansion anticipated by 1985. At present, the loss of prime agricultural lands is more than offset by the conversion of potentially prime lands. The state's irrigated acreage is actually increasing. It is not the current situation but the future prospect that is worrying advocates of preservation, however.

Need for food

World demand for food is escalating rapidly. The "green revolution" -- the application of petrochemical fertilizers to "super grains" — increased per acre yields dramatically, and it appeared the demand would be met. However, this process requires great quantities of petroleum-based fertilizers, which have become prohibitively expensive due to oil price hikes. In the meantime, world population continues to increase at the rate of 140,000 persons per day. With more and more people competing for a lagging food supply, demand will continue to mushroom.

California will feel the pressure. Agriculture is the chief industry. The state produces some 200 different crops, supplying 40 percent of the nation's fresh vegetables and fruits and 25 percent of its total food. When compared to the rest of the world, California ranks fifth among agriculture-producing nations. Surging food demands will result in the conversion of potentially prime lands to prime use at the same time other lands are converted to make up for what is lost to developers.

Environmental interests see the conversion of uncultivated land as expensive, wasteful, and potentially very damaging to the environment. The process may require great quantities of scarce resources. Oil is consumed in leveling land, constructing new irrigation systems, delivering products from distant farms and — perhaps most importantly — irrigating the drier land. As marginal lands are developed, the investment required to produce the same yield increases. Rather than cultivate marginal lands, some farmers will intensify production on existing land by using more fertilizers. This will have predictable environmental consequences. The fertilizers contain

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hazardous nitrogen compounds which have seeped into water tables and washed into streams, rivers, and, subsequently, lakes and oceans.

Williamson Act

California's concern about the loss of agricultural prime lands is not new. The Legislature enacted the California Land Conservation Act, known as the Williamson Act, more than 10 years ago. The act attempted to make California farmers an offer they couldn't refuse. To some extent it worked but, somewhere between the theoretical and the practical, problems developed.

The Williamson Act permitted the establishment of agricultural preserves by cities and counties through contracts with local farmers. If a farmer agreed to use his land only for agricultural purposes for ten years, his land would be taxed at its agricultural value and not according to its "highest and best use" (as a subdivision site) as the law had previously stated. The Williamson Act was supposed to protect the farmer from economic pressure to sell to encroaching developers.

Although the Williamson Act worked to prevent development in some cases, in many others it did not. If land prices go high enough, which is likely when growth pressures build in urban areas, a farmer's best economic self-interest is to sell. When some farmers sell, others are tempted to follow as farming becomes less economical with increasing pollution, competition for water and power, and other side effects of urbanization. Other critics, among them A. Alan Post, the Legislature's fiscal advisor, charge that most of the approximately 13 million acres benefitting from the Williamson Act are not threatened by urbanization — 11 million acres are in rural areas. The state, which reimburses local governments for lost property tax revenues, will pay out about $16 million for Williamson Act land in 1976.

Land bill drafted

After attending a United Nations-sponsored World Conference on Hunger, Assemblyman Charles Warren drafted a bill to preserve California's prime agricultural land. Warren's bill (AB15) as introduced would establish an Agricultural Resources Council within the Resources Agency which would have the power to review and override local decisions affecting prime agricultural land. It also would require all cities and counties to inventory prime agricultural land within their boundaries and assess and tax such prime land according to its present rather than potential use. Finally, probably the most controversial part of the act would prevent local governments from granting permits for developments on prime land unless the developments were considered "necessary to provide essential services, meet needs arising from a declared emergency or mitigate adverse environmental impacts due to agricultural production."

The Sierra Club considers AB15 "the most innovative and important conservation legislation to come before California lawmakers in recent years." While the Sierra Club is mainly interested in the environmental effects of urban growth, Warren's chief emphasis seems to be on the problems of inadequate world food supply. There are two factors working against Warren's goal. Many of California's crops (e.g., fruits, nuts, artichokes, asparagus) are considered specialty crops and are not involved in world hunger. While they add variety and taste, they will not do much to satisfy the need for cheap protein and carbohydrates. Further, the mere availability of prime agricultural land does not guarantee staple food products actually will be grown and distributed to those who need it most.

The opposition to Warren's bill lined up quickly. Realtors, developers, and organized labor opposed it because of its growth limiting potential. Local governments objected to being stripped of the power to make local land-use decisions. Farmers and grower groups preferred the establishment of a local government land-use system tied into state planning guidelines. They strongly criticized the bill for not offering compensation to farmers in return for the restrictions imposed on their investment capital — their land. Except for certain public utilities, they claimed no other private industry would be subject to such potentially sweeping limitations.

Extensive amendments

In the face of so much opposition, AB15 was amended extensively to be a more viable proposal. Local governments were given more flexibility and authority, but the state council would retain ultimate authority over most classifications of agricultural land. The council could exclude land from the restricted prime agricultural category if it determined the land was needed for urban growth. However, it could do so only after determining that the "specific use proposed for such land is necessary for public welfare of the state to an extent paramount to the policy of . . . preserving agricultural land for agricultural purpose." The amendments did not appear to mollify the opposition.

Moving the bill out of the Assembly was no easy matter. It took a great deal of arm-twisting and the assistance of Assembly Speaker Leo McCarthy to get the bill out of the Ways and Means Committee on an 11-10 vote. It was as tight on the Assembly Floor, but the bill squeaked by 41-36, with no votes to spare.

AB15 is the most visible but hardly the only measure introduced to preserve prime agricultural lands this session. Critics charge the Warren bill is too narrow, addressing only one of the interrelated factors involved in effective statewide land use regulation. Senator Howard Way introduced SB620 to deal with all areas of "critical environmental concern." A consensus approach seems far away, but there are strong feelings about the inclusion of the following provisions:

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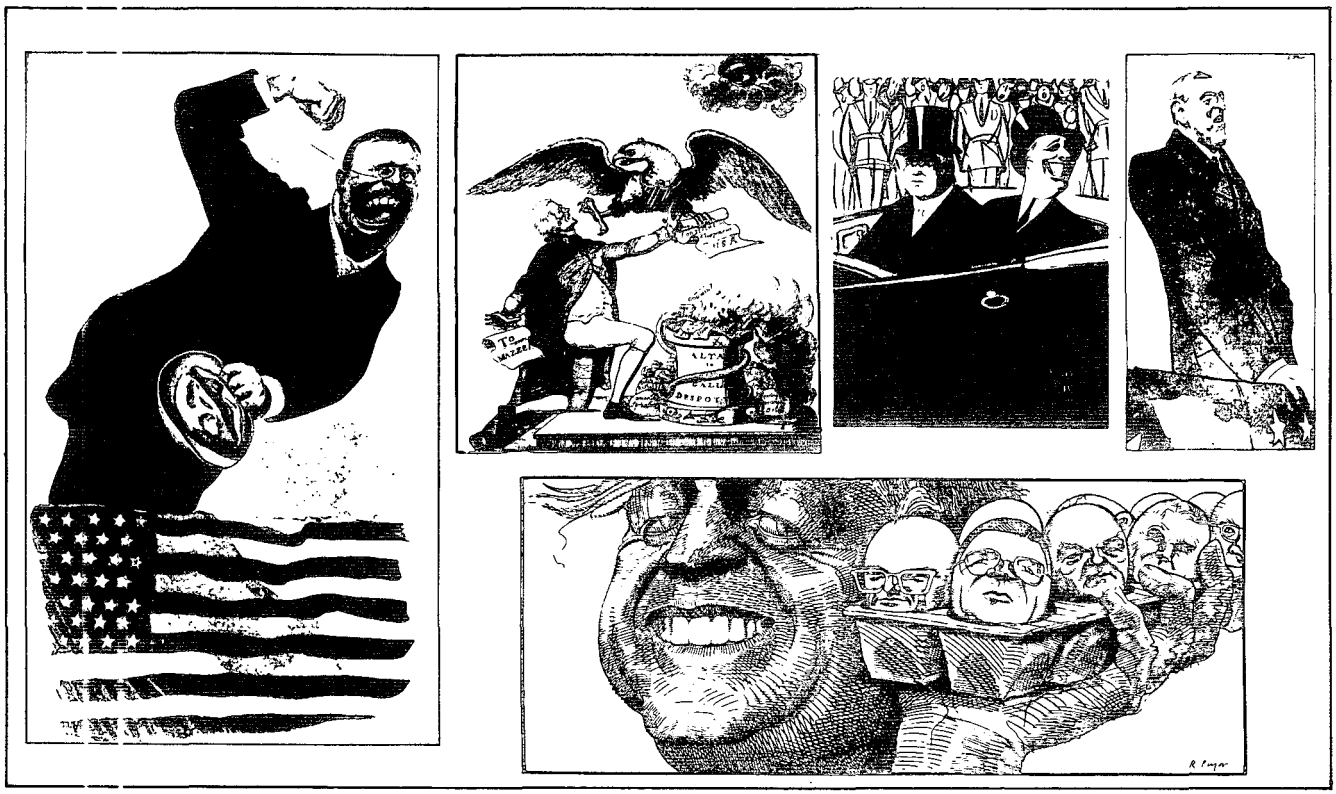
- *The Williamson Act scheme of property tax relief either unchanged or in a modified form*
- *A requirement that cities and counties include an agricultural element in their general plans which are already required by law*
- *A method of classifying prime agricultural land either by a state agency or by existing local governments – land so identified would be placed under some degree of restriction*
- *Reimbursement of the farmers' property losses that result from restrictions on development.*

The latter provision was included in Senator Way's proposed bill. Realtors and developers have argued for years that land owners should be compensated for losses resulting from local zoning and other land-use decisions, but to no avail. It is questionable that farmers will succeed where the others have failed. However, Way's SB620 had grower support and did clear the state Senate by a 25 to 7 vote.

If a bill restricting the development of prime agricultural land is enacted, it will have varied consequences on urban development. Some California cities have nowhere to expand but on agricultural prime land. They will find their boundaries fixed, and housing prices within these areas will undoubtedly rise. Although fixed boundaries usually suggest more compact housing patterns and more efficient use of energy and building materials, in some cities the restrictions may encourage urban sprawl through the leapfrogging over the restricted agricultural lands. These related problems will remain to be dealt with. The costs of passing a restricted land-use law could be great, but the costs of not protecting agricultural prime lands could be just as great.

A collector's item at a budget price



By special arrangement with the University of California Art Museum in Berkeley, the **Journal** can make available a limited number of copies of a handsome new bicentennial book that should appeal to many of our readers. It is entitled, The American Presidency in Political Cartoons: 1776-1973, published in conjunction with a recent exhibit at the museum.

The 278-page, paper-bound book contains scores of cartoons by the nation's most prominent political cartoonists, from unknown early artists to Thomas Nast to Paul Conrad. The accompanying text was written by Thomas C. Blaisdell, emeritus professor of political science at Berkeley, Peter Selz, the museum's former director, and 13 students.

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California *CAPSULES*

Scientists forecast major earthquake for Los Angeles area California Institute of Technology scientists predicted a major earthquake could occur in the Los Angeles area within a year. Although quick to state the forecast was based on experimental methods and could be a false alarm, the researchers predicted the epicenter would be close to the epicenter of the 1971 San Fernando earthquake that resulted in 64 deaths. The strength of the predicted earthquake is estimated at 5.5 to 6.5 on the Richter scale. The forecast is being evaluated by a panel of nine seismologists under the direction of the state Office of Emergency Services. This is the third time an earthquake has been predicted for that area since the discovery of the Palmdale "bulge," a swelling of several inches in the earth's crust.

State Bar Association considers new concept in lawyer advertising At a public hearing conducted by the State Bar, Taketsugu Takei, director of the state Department of Consumer Affairs, presented a three-point program for lawyer advertising. First, information currently being suggested for publication in the yellow pages would be programmed into a computerized data bank. Secondly, law directories with detailed information and extensive indexing would be widely distributed for easy public access. Finally, state and local bar associations would sponsor institutional advertising to explain how to use and where to find the data bank center and the directories. The program would be self-financing because law firms or individual lawyers would pay for being listed. The final decision on lawyer advertising is scheduled for the mid-May bar convention.

State Supreme Court prohibits controversial fixed release dates Current Adult Authority regulations establishing fixed dates for release of prison inmates were invalidated by the state Supreme Court. Raymond Procunier, Adult Authority chairman, started the practice of setting a specific term of imprisonment soon after an inmate was sent to prison. The type of offense and any extenuating circumstances were factors in determining how long a prisoner was incarcerated. In turning down an Adult Authority request for an appeal of a lower-court decision, the Supreme Court put a crimp in one of the most controversial practices of the Brown Administration. The lower court tossed out the fixed release date on the grounds that it was an administrative regulation not specifically authorized by the Legislature in the indeterminate-sentence law. The ruling has no effect on prisoners already given release dates or freed under the program.

Nuclear scientists want public to accept their answers on faith In a study financed by the federal Energy Research and Development Administration, psychologists found that when nuclear scientists urge rejection of measures like Proposition 15 (the Nuclear Power Plants Initiative), they are asking the public to act on faith. Richard Schuller, psychologist with the Human Affairs Research Center in Seattle, said that the information the public hears is "so technical that it (the public) would have to trust nuclear technologists completely if atomic power is to be accepted." Warning that a $7 million advertising campaign scheduled against Proposition 15 may backfire, the study indicated California utilities are making a mistake in concentrating on the economic consequences of the initiative. The survey covered 500 nuclear engineers, church and civic group members, university and high school students, and public employees; all but the engineers rated long-term safety the most important factor. The engineers felt the short-term safety involved in plant construction and waste transportation was a higher priority.

Group appointed to study formation of "Canyon" County A county-formation review commission was appointed by Governor Brown to study the feasibility of dividing Los Angeles County in two. The proposed Canyon County is located in the northwest corner of the present county and contains approximately 735 square miles and 66,000 residents. After the commission submits its report, an election will be held in both the proposed and the affected counties. If both votes favor separation, the new county will be formed. If approved, Canyon County will include the unincorporated areas of Newhall, Saugus, Valencia, Canyon Country, Auga Dulce, Acton and Val Verde. (See "The Los Angeles County revolt" in last month's *Journal*.)

Assembly expenses exceed $19 million for 12-month period In its first public accounting, the Assembly reported spending $19.4 million in salaries, postage, car rentals, and phone bills, among other things, during the 12 months between December 1974 and November 1975. A total of $1.1 million was spent on newsletters, printing and postage, while telephone bills ran $920,000. Staff salaries also totaled $1.1 million. The average cost per Assemblyman was $242,804. An attempt was made at separating leadership-related from individual expenses. Speaker Leo T. McCarthy spent $371,120 in leadership expenses and $133,190 in individual costs. Assemblyman Victor Calvo came in low at $78,496. Assemblyman Julian Dixon was the high spender at $145,387.

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BAKERSFIELD'S BROTHER GILBERT

Dedicated LeRoy Chatfield: controversy by any other name

By MAUREEN MCCLOUD

By LeRoy Chatfield, or any other name, controversy has never been far from this former member of the fledgling Agricultural Labor Relations Board and national organizer of Governor Brown's presidency campaign. During the Senate confirmation hearing last August, Chatfield's years as vice-principal of Garces High School in Bakersfield from 1961 to 1965 were examined. It was his name then — Brother Gilbert, a member of the Christian Brothers — that evoked the wrath of the Kern County community. The importance of being Chatfield (or Brother Gilbert) lies in the eye of the beholder; there is no neutral ground. And many beholders express feelings of fear and hatred at the mention of his name.

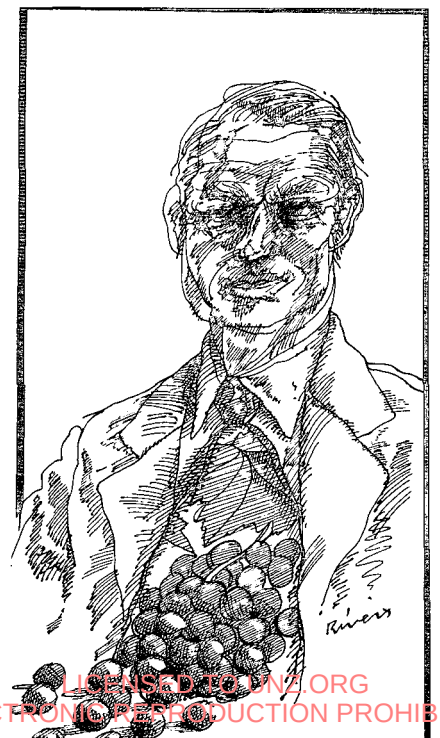
After the Senate hearing, one parent was moved to reminisce on the pages of the *Bakersfield Californian:*

Our children were enrolled at Garces High School at the time LeRoy Chatfield was an instructor. We lived through the Ban the Bomb movement, with SNCC, CORE, the first experimental program of sex education to be introduced in Kern County . . . [and] the questionable book controversy . . . He is best described as a political activist . . . It is my belief that when a school becomes politicized, true academia is lost.

If the circumstances of Chatfield's life have changed, the emotions he generates have not. The critics were concerned with his position on the new agricultural board, and their charges were of bias and influence. His resignation last month eliminated an element of controversy that had blocked funding of the ALRB.

Those who were sympathetic toward him in the early 1960's saw Brother Gilbert as bringing new values and a lively imagination to a relatively isolated community. Kern County is far from any metropolis. (Los Angeles is 110 miles to the south.) The geographical isolation extends to such institutions as the press and the church, which are often regarded as vehicles of change and reform. The one daily newspaper serving the county, the *Californian*, is one of the few left of its size to remain entirely family-owned and family-operated. The clergy of most denominations keep political statements to a minimum; political activism sponsored by any church has little place. Moreover, liberal activists point to the segregation that isolates the various minority groups inhabiting Bakersfield: The Black community lives entirely east and south of Chester and California Avenues; the Chicanos are almost exclusively confined east of Baker Street.

This isolation from without and segregation from within has invited ridicule from the outside. But Kern County's economic isolation has sheltered it from the worst effects of the recession, making it, as the county Board of Trade puts it, "A Pocket of Prosperity." It costs less to live in Bakersfield than in any other California city. It is almost uniformly a record year of prosperity in oil. Agriculture and land development are prospering. And unemployment runs consistently lower than the state average, lending support to the local belief that anyone who really wants to work can find a job in Kern County.



Enter, the activist

In this setting, Brother Gilbert's activities were looked upon, at first, as unusual but mostly harmless exercises. The transition came when he emerged as what the parents called a "political activist," interjecting new values into the community. "To expand the kids' horizons," he said, he took students, on a voluntary basis, to Jewish services at Temple Beth El, a few blocks from school. He began holding "Saturday schools" at Garces High, bringing Black and Chicano students to Garces, which is in a primarily white neighborhood. Brother Gilbert's students provided a morning of tutoring and crafts in a program that would later become a model for the area's Head Start projects.

It was the election year of 1964, with Proposition 14 on the statewide ballot that split the community over what Brother Gilbert represented. Proposition 14 would repeal the Rumford Fair Housing Act, which stated that race, creed or color could not be used as a basis for discrimination in selling or renting property in California. Brother Gilbert spoke against Proposition 14 at all the area's Black and other minority-group churches. He debated the issue at the local college and at any other forum. Finally, he debated the Bakersfield Board of Real-

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tors in a much-publicized encounter. Parents circulated petitions seeking his removal.

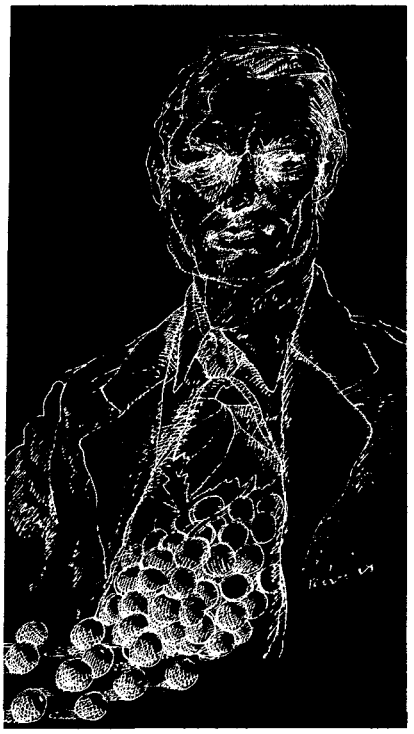
Ten years later, Chatfield's critics saw these same qualities as disqualifying him from any "fair-minded" position on the Agricultural Labor Relations Board. "You have to remember who Chatfield was," states Martin Zaninovich, a Delano area grower of table grapes and a veteran of the farm-labor disputes and the negotiations that led to the new law. "First, he was in the Christian Brothers' order for 15 years. After all that time, he left to join Chavez and the United Farm Workers. You don't make commitments like those, to those causes, without strong motivation. Given his background with Chavez, he can't help but see the farmers as the oppressors." John Guimarra Jr., an Arvin area grape-grower, agrees. "I don't believe anyone as dedicated to the causes as he was at Garces and with the UFW can be fair-minded. For eight years, it was his job to conduct boycotts and disrupt our industry."

But Assemblyman Howard Berman of Los Angeles, who carried the bill in the Assembly, disagrees. "I think the board is enhanced by people like Chatfield. He's had practical experience. The Governor could have appointed five people never involved with the farm-labor issue, and we'd still have no criteria to be sure they would have been fair. Besides, Chatfield's a man of high ethical standards."

Chatfield left the United Farm Workers in August 1973, got a real-estate license and had gone into business with his brother in Sacramento when Edmund G. Brown Jr. called him in April 1974 to ask for his help in the gubernatorial campaign. In June, Chatfield was Northern California campaign coordinator. "The day after the election the Governor-elect called and asked me to serve as one of the top staff members," Chatfield recounts. Two weeks before the inauguration Brown made Chatfield his director of administration. While holding that post, Chatfield played a key role in the farm-labor negotiations, though Chatfield rejects any part of the credit for the farm bill. ("The Governor did the mediating and the decision-making," he says. "We have the bill because of who the Governor is.")

'Resource person'

Chatfield sees his role then as what he terms a "resource person" for the Governor. "The Governor came to me to touch base for practical information on the issues. He'd ask questions such



as, 'Is this demand realistic?', or, 'What do you think will be the consequences if we do it this way?' I think he felt confidence in my judgments, especially as they related to the farm workers." Assemblyman Berman remembers him in that capacity, too. "In general, LeRoy wasn't involved in specific causes. He could see through the union demands and separate the reasonable ones from the unreasonable."

Chatfield says he severed all ties with the UFW in 1973. But he does admit that a second capacity was as a "bridge" between the UFW and Brown. "I was familiar with the fears the workers had about government and bureaucracy. I was sensitive to that."

He was not nearly sensitive enough for some members of the UFW, however. Jerry Cohen, UFW lawyer and negotiator, explains, "We gave up a lot to get that bill. I'm not one of them, but there are people here who see LeRoy as the Governor's instrument to wring concessions from the UFW."

How the new board was to be composed was one of the most sensitive issues. The UFW wanted a three-member board, but the growers wanted to follow the precedent of the National Labor Relations Board and have a tripartite board composed of two members from industry, two from labor and one from neither side. Brown rejected the proposals from either side in favor of giving himself as Governor, the greatest latitude in appointing the board's members. Brown promised to appoint a board that would be "competent," "reliable," "fair-minded" and "open-minded."

Martin Zaninovich, the grape-grower, recalls a further promise by the Governor during the negotiations, however. Zaninovich says that Brown promised that the members of the board would have "no prior involvement" in any part of the farm-labor issue. Bill Stall, the Governor's press secretary until resigning in February, disputes that claim, saying that Brown promised to appoint people who were fair-minded but also familiar with the problems involved in implementing the act.

Whatever, there is little doubt that growers feel misled, disappointed and betrayed by the appointments — and especially Chatfield's — and the irony is that the UFW does, too.

Chatfield's severest critics have never doubted his sincerity, humbleness or dedication to service. But they also see his efforts as having been uniformly destructive. "Some people did see him as an instrument of enlightenment here ten years ago when he was Brother Gilbert," says Don Curlee, speaking for the Delano-based South Central Farmers Committee. "It may be true that we're isolated in some ways, but consider this: now LeRoy Chatfield is an instrument to reinforce the isolation of the growers."

Board member Dick Johnsen Jr., formerly an agricultural lobbyist, put the Chatfield appointment in another perspective. "Of course LeRoy's sympathies have always been with the farm worker," Johnsen said, "just as mine have always been with agriculture. There's no doubt that both the bill and the board lean toward the farm worker. That's no longer the point. This is a starting point, what the Legislature gave us to work with. I have confidence that we can work within the system to make the law better for the agricultural employer."

The ALRB's financial crisis has given the growers an opportunity — through the blocking third of grower-oriented lawmakers — to wring out concessions in the landmark law. And in this crisis, as in the community controversies that swirled about him in Kern County earlier, Chatfield remained somewhat detached. "I do what I feel is right, and I try to help others," he says. "The others have to make up their own minds about judging my actions."

At least for the next couple of months, there will be few visible actions by which he can be judged. Chatfield's job will be to round up delegates for Brown through contacts with labor organizations and church leaders throughout the country. Whether he undertakes this task as Brother Gilbert or LeRoy Chatfield, it's a good bet he'll be dedicated and controversial.

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JUNE 1976 PRIMARY

California Journal Ballot Proposition Analysis

On June 8th, the California electorate will decide the fate of 15 state ballot propositions – the highly controversial Nuclear Power Plants Initiative (Proposition 15), four bond proposals totaling over $1 billion and 10 proposed constitutional amendments dealing primarily with taxation and fiscal affairs. This California Journal special report contains a description and analysis of each measure, with special emphasis on the nuclear initiative. A majority vote is sufficient to enact any proposition.

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1 STATE SCHOOL BONDS

This proposal would provide for a $200 million bond issue to build local public schools.

This is not the same kind of school-bond issue Californians have approved repeatedly over the past 24 years for a total of $2.4 billion. Previous bond issues were sold to meet growth requirements and to help those districts required to replace or reconstruct schools that did not meet state earthquake standards.

Proposition 1 would finance a new type of school building aid program under which the state would enter into lease-purchase agreements with local school districts. The net effect of this plan would be to reduce the vote necessary to approve major local school construction programs from two-thirds to a simple majority.

The state would pay for the construction of a school and lease it to a school district, which would repay the full cost of the bond obligation to the state and then assume ownership of the structure.

Supporters of the proposition, including State Superintendent of Public Instruction Wilson Riles, contend that the measure will decrease the cost of school construction because local districts using the lease-purchase system now pay much higher interest rates than would be available under the state proposal. Local districts desiring to float general obligation bonds on their own still must obtain a two-thirds vote, Riles emphasizes, and present law already allows lease-purchase arrangements to be made by simple majority vote.

The opposition argues that this proposition is simply a gimmick to avoid the two-thirds vote. State Senator H.L. Richardson claims the easing of bonding requirements through this measure would encourage districts to go deeper into debt, with statewide taxpayers on the hook if the local officials could not meet their lease obligations.

Whether or not Proposition 1 passes, more and more school districts will probably employ the lease-purchase method of construction financing. Last year, seven districts went that route. If Proposition 1 is enacted, relatively cheap majority-vote funds become available, and California will probably see few, if any, general-obligation school-bond votes in the future.

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2 CAL-VET BONDS

This proposal would provide for a $500-million bond issue to furnish farm and home loans to California veterans.

Californians have approved 15 bond issues over the past 54 years so that the state Department of Veterans Affairs could provide low-interest farm and home loans to the state's veterans. This measure would provide $500 million to meet the demand of VietNam veterans who wish to participate in the program.

Supporters claim that California should offer the same benefits to VietNam veterans that it has to 300,000 veterans of other wars who have obtained property under the Cal-Vet program. These bond issues, according to the proponents, help the California economy by stimulating the real estate, insurance, home supply, and building-materials industries.

The opposition argument in the voter's pamphlet was written by three officers of the Libertarian Party. They contend that the proposal would shift a massive amount of money away from the private capital market for the benefit of a few favored industries. This money would otherwise be used to provide jobs throughout the California economy. "The Veterans Bond Act," they wrote, "is a social welfare program which benefits a few veterans, workers and businessmen — at the expense of every other Californian."

3 DRINKING-WATER BONDS

This proposal would provide for a $175-million bond issue for the improvement of domestic water systems.

Californians have already approved $2.25 billion in bonds to improve the state's water supply systems and build wastewater-treatment facilities. This proposition would initiate a new program of loans and grants to local agencies for the improvement of drinking water. The proposal requires that at least $160 million be used for loans to water suppliers, leaving a maximum of $15 million for grants to hard-pressed public agencies. Priority will be given to those with the worst health problems and the hardest time getting money from other sources.

Assemblyman Ken MacDonald, legislative sponsor of the proposal, claims that this measure is needed to eliminate bacteriologically unsafe drinking water in California. The Assembly water committee, he said, found that 63 percent of the large drinking-water systems in California, which serve 12 million people, failed to meet minimum standards. In addition, some 2,111 small systems failed to meet public-health standards.

The opposition, United Organizations of Taxpayers Inc., claims that programs of this type should be funded on a pay-as-you-go basis, which could be accomplished by putting the costs on monthly water bills. According to the organization, this would eliminate all interest, which could double the cost.

4 COMMUNITY-COLLEGE BONDS

This proposal would provide for a $200-million bond issue to build community-college facilities.

A complex federal-state-local formula is used to provide funds for community college expansion projects. Since 1965, the state's share has been provided by the sale of general-obligation bonds. Community college officials estimate that the $160 million authorized in 1972 will be spent by the end of this year. This proposition would provide funds for construction projects for another two years when matched with $150 million in local funds.

Legislative sponsors of the measure emphasize that community colleges are continuing to grow at a rapid pace, and the state bond program is needed to protect homeowners from excessive increases in local property taxes for capital construction.

Assemblyman Dixon Arnett, one of the nine legislators to oppose the proposal, claims that the surplus in the state's Capital Outlay Fund for Public Higher Education (COFPHE), supported by tideland-oil revenues, should be used for this purpose instead of the general-obligation bond issue. According to Arnett, use of the COFPHE reserve would save Californians millions of dollars in interest charges over a number of years.

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5 Vote on Tax Measures

This proposed constitutional amendment would allow the Legislature to raise taxes on banks, corporations and insurance companies by a simple majority instead of a two-thirds vote.

Although this is one of the most controversial measures on the ballot, it is also one of the simplest. Currently, the Legislature can raise individual taxes, such as the income and sales taxes, by simple majority vote. But a two-thirds vote is necessary to alter tax rates on banks, corporations and insurance companies. This measure would make the simple-majority vote uniform for all taxes.

The debate over this issue does not center around the two-tier system but rather whether the legislative vote on all taxes should be a simple majority or two-thirds. The proponents emphasize the current inequity, pointing out that 150,000 corporations enjoy the two-thirds protection while almost a million non-corporate businesses fall in the simple-majority category for taxation purposes. The supporters, which include Governor Brown and the League of Women Voters, also stress that banks, corporations and insurance companies now can block true tax reform by concentrating their lobbying efforts on a minority of legislators.

The net effect of the two-thirds rule over the years has been to force a consensus on major tax measures before any major tax-increase legislation could be adopted by the Legislature. In this way, a two-thirds vote has been obtained for both categories of taxes.

The opponents of Proposition 5 contend that the solution to the inequity is to make the two-thirds rule applicable to all forms of taxation, thus protecting the public from the tyranny of the simple majority. Business interests now are attempting to qualify such a measure for the November election, having failed to get their proposal on the June ballot.

The legislative opponents to the measure claim that California already has one of the highest corporate tax rates in the nation and that business pays more than half of state and local taxes in California. They argue that it should be made harder to raise all taxes, not easier to raise some taxes.

6 Insurance-Company Taxation

This proposed constitutional amendment would repeal an income-tax deduction given insurance companies for the property taxes on the firms' home or principal offices in California.

Insurance companies operating in California now pay a tax based on the premiums they collect. They also pay local property taxes. However, they can deduct the amount of the local property tax from their premiums tax. This generally is known as the principal- or home-office deduction. In 1974, there were 909 active firms in California. A total of 127 of them owned their main office building, and were eligible for the deduction. Fifteen companies paid no state tax because the deduction exceeded the premiums-tax liability. Legislative Analyst A. Alan Post estimates that enactment of the measure would provide $19 million in additional state revenue the first year and increasing amounts thereafter.

Sponsors of the measure, including the Governor, charge that the current provision allows a few large insurance companies to avoid paying their fair share of taxes. The home-office deduction was enacted in 1910, they claim, to lure insurance business to California, but the incentive has proved a failure. The supporters argue that the deduction is unfair both to the average taxpayer and to those insurance firms that do not qualify.

State Senator H.L. Richardson, one of three legislators to oppose the proposal, says it is a myth that insurance companies are avoiding paying their fair share of taxes. He maintains they pay twice as much in state taxes as other businesses. He warns that the tax increase will be passed on to those who purchase insurance on homes, health and autos, and suggests a fair way to tax insurance firms would be on their profits rather than on their gross premiums.

7 Taxation of Historic Property

This proposed constitutional amendment would allow the Legislature to establish a special property-tax system for property of historical significance.

Under present law, assessors must value property on the basis of its highest and best use. This proposition, which passed the Legislature unanimously, would reduce the appraisal below fair-market value if the use of the property is restricted to historical purposes.

Proponents claim that many of California's official historical landmarks have been leveled, sold or divided because of the present tax system. They emphasize that the tax benefits would only be extended to property certified as historically significant by the state Department of Parks and Recreation.

The voter's-pamphlet opposition argument was filed by United Organizations of Taxpayers Inc., which argues that the wording of the proposition is vague and that taxpayers in general will have to pick up the loss in revenues from these historic sites.

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8 DEPOSIT OF STATE FUNDS

This proposed constitutional amendment would authorize the deposit of public funds in savings and loan associations as well as banks.

The Legislature now may authorize the deposit of city, county, special district and state funds only in banks. This measure would provide an alternative repository, savings and loan associations. The same security provisions would be applicable to savings and loans as now apply to banks — $1.10 in securities for every $1 deposited.

State Treasurer Jesse M. Unruh, a prime sponsor of the proposition, claims the proposal would generate additional public revenue at no cost to the taxpayers because savings and loan associations pay higher interest rates than banks. Unruh argues that the measure would stimulate housing construction by expanding the financial base of savings and loan institutions. He maintains that funds will be equally secure in an S&L as in a commercial bank.

The only no vote cast on the proposition in the Legislature was by Assemblyman John Garamendi, who warns that the security requirements will reduce the pool of funds available for home loans. Garamendi argues that short-term public deposits could not be used to provide long-term loans for construction projects. While the banks were not in the forefront of the legislative debate on this issue, it is apparent that they would stand to lose deposits should the measure be enacted. Banks are working to defeat the proposition.

9 BINGO

This proposed constitutional amendment would allow the Legislature to permit bingo games for charitable purposes on a local-option basis.

The state constitution now prohibits all lotteries. Bingo is considered a form of lottery if the players play for prizes. If this proposal is approved, the Legislature could allow cities and counties to permit bingo games for charitable purposes only.

Assemblyman Leroy F. Greene, who long has sponsored bingo legislation, claims bingo is being played illegally every day in California, and approval of the proposition will merely make it legal. There will be no commercial profit. All the proceeds will go to churches and civic organizations, according to Greene.

Opponents of the measure say they are not opposed to social or church bingo but fear that enactment of this measure would open the door to unlicensed, unregulated, advertised commercial games because there are loopholes in the enabling legislation. They also argue that the local-option provision would produce a crazy-quilt pattern of local bingo laws throughout the state.

10 BOND REFINANCING

This proposed constitutional amendment would allow the Legislature, by two-thirds vote, to refinance any outstanding bonded debt of the state.

The state can now float bond issues by getting a two-thirds vote of the Legislature, followed by a majority vote of the electorate. This proposal would allow the Legislature to refinance a bonded debt without going to the people. The purpose of the proposal, which passed the Legislature with only two dissenting votes, is to allow the state to save money when interest rates drop.

The sponsors of this proposal, which include state Treasurer Jesse M. Unruh and state finance director Roy Bell, claim the state can save $2.5 million on $100 million worth of bonds if the interest rate can be pared one percent. This measure is needed, the proponents claim, because we now have historically high interest rates for state bonds and there may be a future opportunity to refinance the debt at substantial savings.

The United Organizations of Taxpayers Inc., which submitted the voter's-pamphlet argument against the measure, argues that refunding could be used to postpone payment of debts when due and could produce higher, rather than lower, interest rates.

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11 SURPLUS LAND

This measure would allow cities and counties to use surplus land acquired for transportation purposes as public park and recreation areas.

State gasoline tax funds distributed to local government now must be used exclusively for highway purposes. Often, after a project is completed, there is surplus land. Currently, the property must be sold, and the proceeds used for road purposes. This proposition would allow cities and counties to use these excess lands for local park and recreation purposes.

The proponents of this constitutional amendment claim it makes no sense for local agencies to take money from the general fund to repay its special road fund for land it wants to use for mini-parks or neighborhood recreational facilities. The Legislature has already passed a control bill guaranteeing that only those parcels best suited for park purposes will be used for such purposes.

Senator H.L. Richardson, one of eight legislators who opposed putting the proposition on the ballot, claims the measure would further erode money needed for street and highway purposes. "Where will the funds be found for needed road work?" he asks.

12 USURY

This measure would revise the California usury law so that interest rates could exceed 10 percent under certain limited conditions.

Under the current state Constitution, lenders of money are prohibited from charging more than 10-percent-a-year interest on any loan. However, there are so many exemptions that the 10 percent rate applies primarily to individuals, insurance companies and mortgage banks. It does not apply to savings and loan associations, banks, industrial loan companies, credit unions, pawnbrokers, personal property brokers, and agricultural cooperatives.

This proposition would retain the 10-percent usury law for personal, family or household loans, but it would change the limit for business loans by non-exempt lenders. Under this measure, the new limit would be seven percent plus the Federal Reserve Bank rate to member banks (5½ percent at the start of 1976) or a total of 10 percent, whichever is higher. The net effect would have been to lift the limit to 12½ percent had this measure been in effect in early 1976.

State Senator Bill Greene, sponsor of the proposed constitutional amendment, claims the change is necessary so that money is available for plant expansion in California. He emphasized that the proposal would in no way change present interest rates for consumers. He argues that the proposition also would provide better investment opportunities in California for pension and insurance funds. Money available for business loans now goes to other states because California's interest rates are not competitive, according to Greene.

An opponent, Assemblyman John J. Miller, contends that the proposition would have an effect on consumers because businesses borrowing money at higher rates will pass the additional costs on to their customers. He emphasizes that the measure was originally sought by gas and electric companies and that Californians will feel the cost of this measure in their utility bills. According to Miller, there is a loophole in the proposition which would allow lenders to charge more than 10 percent interest on individual loans that are not primarily for personal, family or household purposes.

It should be emphasized that this measure will have no effect on most of the common sources of loan funds — banks, savings and loan associations, credit unions and industrial loan companies — because the usury law does not apply to them.

13 SENIOR-CITIZEN TAXATION

This measure would allow certain homeowners 62 or older to defer payment of property taxes.

Just how many senior Californians this proposition would affect depends on how it would be implemented by the Legislature. The measure is designed to help low- and middle-income Californians 62 or older maintain ownership of their homes despite the burden of property taxes. It would allow the Legislature to determine eligibility, and requires that the state reimburse local government for lost income. Upon the sale of a home or the death of the homeowner, all back taxes plus interest would be paid from the proceeds of the property. For the individual senior homeowner, the tax-deferment plan would be optional.

State Senator John A. Nejedly, sponsor of the proposal, claims that senior-citizen property tax relief programs already enacted by the Legislature have helped alleviate the burden but have not solved the problem. He believes that the postponement plan is more equitable than outright relief because it does not shift a taxation burden on the remainder of the citizens.

The ballot-pamphlet argument against Proposition 13 was submitted by the United Organizations of Taxpayers Inc. headed by Howard Jarvis and Edward J. Boyd. They view this measure as an inadequate response to the problem of property taxes that are too high for everyone.

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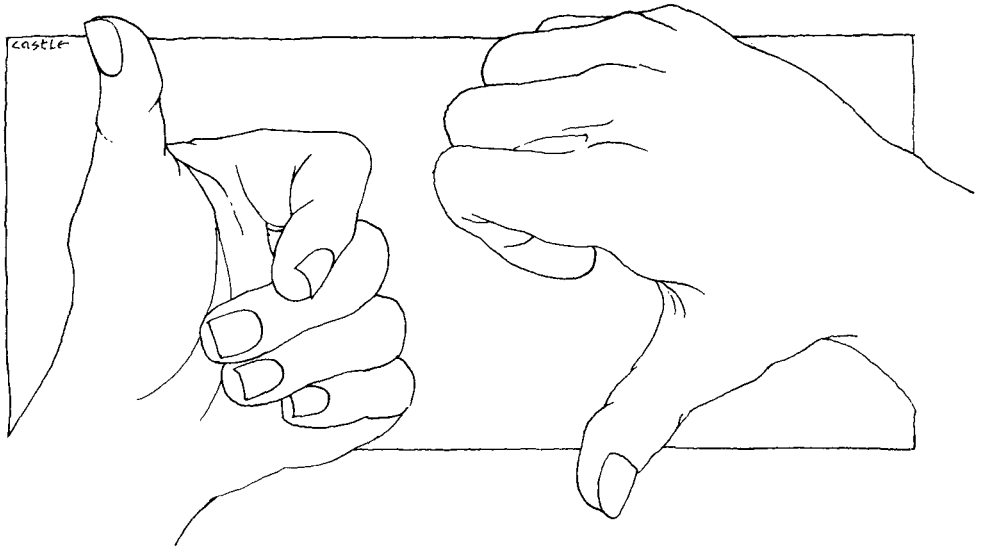
14 CONSTITUTIONAL REVISION

This measure would reorganize and streamline sections of the state Constitution.

This is the latest in a series of propositions, most of them successful, to modernize and simplify the state Constitution. It is designed to reorganize several sections — including those on the initiative, referendum and recall — in a more logical manner. The proposal cleared the Legislature by unanimous vote, and there is no organized opposition.

15 NUCLEAR POWER PLANTS

This proposal would place certain limitations on the development and operation of nuclear power plants if specified liability insurance and safety conditions are not met within given time constraints.



Largely because of the management of the old Atomic Energy Commission (AEC), nuclear power has grown up without public exposure. The public not only has been shut out of the decision-making, it has also been shut out of the dialogue. With the advent of energy shortages, the expansion of nuclear power seems to be the easiest and least costly of all the alternatives. The unsolved and delayed debate centers on whether the benefits of nuclear power outweigh the potential dangers involved in producing it.

Currently, nuclear power plants produce about five percent of the electricity generated in California. If estimates are correct, nuclear power could account for about one-third of the state's electrical energy by 1995. Aside from the initiative, the following factors will determine whether nuclear power can expand: investment capital; the availability, quality, and cost of uranium; availability of water; fuel reprocessing and recycling capabilities; and stable land suitable for siting.

An analysis of the initiative must break down into five major categories: liability, safety (human or mechanical accidents and willful sabotage), waste disposal, economic considerations (effect on the economy and cost of the initiative), and energy options. A synopsis of the initiative will be presented first, followed by a discussion of each category.

The Initiative

Entitled the Nuclear Safeguards Act by the sponsors, the initiative hinges on the state's unquestioned authority to issue land-use permits, rather than on the existence or regulation of nuclear power plants — shakier ground where federal authority already is established as supreme. The initiative involves a three-step process over a five-year period dating from the passage of the act:

- *In June 1977, all liability limitations (as established in the federal Price-Anderson Act) must be removed either by law or specific waiver. Full compensation for damages must be assured, as determined by a California court. If the limits are not removed by June 1977, all nuclear plants in operation or under construction will not be allowed to operate at more than 60 percent of the licensed power level. If the limits have not been removed by June 1981, operating levels of the plants will be cut an additional 10 percent of the original licensed power level each year.*

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- *By June 1979, the Legislature, by a two-thirds vote of each house, must* **determine** *that both of the following may be reasonably expected to occur by June 1981:*
  - *a) All reactor safety systems are effective as demonstrated in comprehensive testing in actual operation; and*
  - *b) the radioactive wastes can be stored or disposed of with no reasonable chance of escape into the environment.*

An advisory council of 15 persons and a General Fund appropriation of $800,000 would assist the Legislature in following the prescribed procedures and making these determinations.

If the Legislature fails to determine that safety measures and waste disposal will be adequate by June 1981, then nuclear plants in operation or under construction will not be allowed to operate at more than 60 percent of the licensed power level. No new nuclear plants will be issued land-use permits in California.

- *In June 1981, the Legislature, by a two-thirds vote of each house, must* **confirm** *that the safety systems are, in fact, adequate and that the radioactive wastes can be stored or disposed of in a secure and reasonable manner.*

If the Legislature cannot confirm these conditions, then nuclear plants in operation or under construction will not be allowed to operate at more than 60 percent of the licensed power level. No new nuclear plants will be issued land-use permits in California. The operating plants will be derated an additional 10 percent of the original licensed power level each year until these safety requirements are met.

These requirements would not apply to small scale nuclear reactors used exclusively for medical or experimental purposes.

Regardless of the Legislature's determinations, the initiative requires the Governor to publish annually the evacuation plans for all nuclear power plants operating in California. These plans will include such details as traffic patterns, population densities, and the construction of schools, hospitals, and industrial facilities.

Anti-Proposition 15 groups say these provisions are impossible to meet. They complain the advisory group is expensive and a duplication of present governmental activities. Finally, they point out how a very small minority of legislators can ban nuclear power.

Liability

The Price-Anderson Act first opened up the nuclear power industry to private enterprise in 1954. Finding the potential liability a deterrent to substantial capital investment in nuclear power, a 1957 amendment forged a private-public insurance formula, held the utilities and vendors harmless, and limited the total amount of liability claims emanating from a single nuclear accident. Each nuclear plant is now insured for up to $125 million with a private carrier. The federal government would indemnify for an additional $435 million, a total of $560 million in liability coverage. If claims were to exceed the $560 million, the US District Court would pro-rate the claims under a system similar to the distribution of assets in a bankrupt estate. Congress has the power to make special disaster appropriations if the $560 million is exceeded.

This 1957 amendment was justified on two grounds: this protection from potential bankrupting liability enabled the industry to develop the technology necessary for commercial nuclear power production, and the injured public would be assured of compensation in case a serious accident occurred. Last December, the act was extended until 1987, and the amount of the liability coverage made to increase gradually through a complicated formula.

The Price-Anderson provisions are equated with a federal subsidy to nuclear power. The question remains whether the nuclear industry should be required to pay all potential costs of nuclear power — either through insurance-company pools or self-insurance through utility company pools. Pro-initiative forces feel the market should reflect the full social costs of nuclear power. They believe the liability mechanism would work to regulate the industry, which would be more reluctant to set up plants where conditions are unduly hazardous and would prevent other negligent activity. If nuclear power is so safe, the argument runs, why not accept full liability? Why is Price-Anderson needed?

The anti-initiative groups feel they cannot get coverage commensurate with what they have under Price-Anderson, not because of the safety considerations, but because of the size of the insurance industry itself. In addition, they feel, if Price-Anderson is in some way set aside, the public loses on two counts. Funds would not become available immediately for compensation (with other funds set aside for latent damages), and the burden of proof, now not contested, would rest with the injured. They argue there are other costs, such as the cost of replacement electricity, that would not allow the industry to relax safety standards.

Safety

Human or Mechanical Accidents

Nuclear power has a remarkable safety record — not one public fatality from any nuclear source. (Several people were killed in an accident at an Idaho military reactor.) Experts estimate the odds of an individual being killed in an auto accident are 4,000 to one. The odds of an individual being killed in a nuclear accident are 5 billion to one. Why, then, is there such an uproar about the damage from nuclear accidents? Because of the magnitude and longevity of damage that could result from one accident.

The first calculations of possible damage in case of a reactor accident were reported by the AEC in 1957. Analyzing a small reactor, about one-fifth the size of today's designs, authorities estimated that 3,400 fatalities, 43,000 injuries and $7 billion in property damage would result from a major reactor accident. An up-date was requested in 1964 by the US Congress' Joint Committee on Atomic Energy. The up-date estimated fatalities at 45,000 and property damage at $30 billion, but the figures were kept secret until 1973, when the AEC was threatened by a lawsuit under the Federal Freedom-of-Information Act. Although the AEC and the industry had both supported the findings, the information was kept secret because the AEC feared legal action against the construction of any more nuclear plants. In light of the report, they felt a case could be made that the AEC was irresponsible in granting more licenses.

In 1972, a new report was undertaken. Massachusetts Institute of Technology professor Norman Rasmussen headed the study which came to the conclusion that, under the worst circumstances, a nuclear accident would cause 2,300 fatalities, 5,600 cases of acute illness, $6 billion in property damage, and permanent contamination of 31 square miles. Rasmussen's estimates of damage are low because he expects speedy evacuation after an accident. He placed the probability of a large accident at one in 10 million. But, he concluded smaller accidents would occur more frequently than expected.

A number of the nation's 58 nuclear plants have a history of trouble. The New England Vermont *Yankee* station had to shut down because safety interlocks failed. In 1970, the *Dresden 2* in Illinois had a faulty gauge incorrectly

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showing a low water level. When more water was pumped in, the pressure caused radioactive water to rush out. All this happened within the safety confines of the plant, however. In California, *Rancho Seco* had a control rod drive failure in 1975. *Turkey Point* still has large leaks of radioactive water today. Its two reactors provide 15 percent of Florida's electricity. The closest call of all was the $50 million fire in Alabama's *Brown's Ferry* nuclear power plant last year. An employee took a lighted candle to look for an air leak and started a major fire. Seven safety systems gave way, but the remaining five held and averted a disaster.

Supporters of Proposition 15 cite the seven safeguards that rapidly fell away at *Brown's Ferry* as a prime example of how easily a nuclear disaster could occur. They point to the three nuclear engineers who resigned from General Electric and the safety inspector who resigned from the Nuclear Regulatory Commission (NRC), which was formed in 1975 to assume the oversight functions of the defunct AEC, as proof that those who work in the field really know the immense chances we're taking. They say the experts don't agree on safety, that's why the initiative is needed.

Proposition 15 opponents point out that nothing has happened yet, that the odds are high against anything catastrophic happening, and that, through the fire at *Brown's Ferry*, five of the safeguard systems held. Air pollution is more of a threat, they claim, as currently 10,000 people die annually from the sulfur dioxide released from burning coal.

Willful Sabotage

Proponents of the initiative point to the rise in terrorism as another agrument for these safeguards. Plutonium-239 and Uranium-233 will be produced in large quantities in the nuclear fuel cycle. A terrorist could use these materials for an explosive weapon, a source of radiation, or poison. They say the NRC report of 99 threats of violence against commercial nuclear facilities between 1969 and 1975, and 76 more against federal nuclear generators during that same period, gives credence to their fears. These Prop 15 supporters estimate the cost of a national nuclear security guard will run about $79 million annually by 1980, not to mention the threat to civil liberties such a system would create.

The industry feels the safeguard systems, though expensive, can solve the problem. They argue that a terrorist who comes in direct contact with a fuel core would face quick and certain death.The proponents rebuttal is a terrorist is more likely to attack the fuel cycle or threaten a melt-down at an operating reactor.

Waste disposal

There were 105 tons of nuclear waste produced in California in 1975. By 1994, that figure could reach 1,225 tons. This high-level nuclear waste contains both short- and long-lived radioisotopes. The short ones will reduce to very low levels of radioactivity in approximately 1,000 years. The long-lived radioisotopes could live 500,000 years or more unless conversion to less undesirable isotopes becomes possible. An Energy Research and Development Administration (ERDA) report in 1975 said that major parts of a safe disposal system have not been tested, and some treatment aspects of the procedure have not even been developed.

Only $2.5 million was spent on disposal methods by the AEC in fiscal 1975. At first, ERDA went ahead with plans to build a Retrievable Surface Storage Facility as a temporary — 100 years or less — measure. Waste would be stored in canisters and continuously monitored. Then, ERDA switched to finding a permanent deep-burial site in New Mexico. Appropriations for commercial waste disposal were increased to $11.9 million in fiscal 1976 and a requested $59.9 million for fiscal 1977. The state Energy Commission already has declared California an undesirable location for a high-level waste storage facility due to the threat of earthquakes, volcanic action and flooding.

Opponents say that the storage problem is not real — that today's facilities are safe even if they aren't permanent. Proponents say they want a better system developed before any large quantities of waste are produced.

Economic considerations

Effect On The Economy

Proponents of the initiative have been saying there would be no wide-scale effect on California's economy if this measure passed. Over the past 50 years, the availability of energy and the development of machines have replaced humans and taken away jobs. The opponents have said that utility bills will be higher; that investment losses would, in some way, be passed down to the consumer; and that the resulting blow to jobs would be devastating. They say California consumers would pay $2 billion for the shutdown of nuclear plants.

A preliminary study sponsored by the Federal Energy Administration stated that a nuclear shutdown would not cripple the state's economy because the huge amount of capital needed for a nuclear plant would be free to create other jobs. It predicts little change for California's overall economy because other industrial activities would take the place of the nuclear-power investment. The report also said, "We expect consumers in California to consume less electricity but in the long run (to) pay just about what they would have otherwise." However, the report did substantiate one claim of the opponents — that California would impose a greater burden of air pollution and water consumption on neighboring states by forcing them to build coal-burning power plants to provide California's electricity.

Cost Of The Initiative

Supporters of Proposition 15 claim the initiative will cost each Californian only four cents. Opponents argue that the cost will be $250 per family plus the $2 billion in overall losses to the state's economy. ERDA figures the cost will be $7,500 per family in energy costs over the next 20 years. The Legislative Analyst is indefinite on the amount but raises a number of factors that could cost the state more than the $800,000 appropriated for the advisory group.

Energy options

The opponents to Proposition 15 point to California's limited energy options. They argue that oil should not be consumed to produce electricity but should be used for transportation, medicine, and fertilizers. Coal and lower grades of oil would substantially increase air pollution and its resulting problems. Solar power and fusion are distant alternatives. Opponents argue that nuclear power is the answer for now. Proponents of Proposition 15 answer that they don't want a nuclear power shutdown — unless the needed safeguards and procedures cannot be developed.

Proponents of the initiative include the People's Lobby, Another Mother for Peace, the California sections of the American Association of Physics Teachers, Ralph Nader, the Sierra Club, and Project Survival. Opposition includes organized labor, Citizens for Jobs and Energy, Committee for Energy Truth, almost every major corporation in the energy industry, Metropolitan San Jose Properties, Inc., and the California Council for Environmental and Economical Balance.

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BUDGET BLUES

Local government's budget balancing act

By LISA HILL

Mayor John H. Reading of Oakland recently announced that his city's financial condition was so desperate a $9 million cutback in municipal salaries and services would be imposed. Reading outlined a plan to lay off 265 employees, reduce departmental budgets as much as 20 percent, close five libraries and two fire stations, and pare other city services. Oakland's financial problems were attributed to increased service demands from the public and higher wage demands from municipal employees — plus a revenue base that just cannot keep pace.

How unique are Oakland's problems? They may be more dramatic than most, but they are hardly unusual. Similar concerns have been voiced by officials in most large cities. Los Angeles' mayor, Tom Bradley, recently submitted an unbalanced budget with similar recommendations for cuts in personnel and services. Deep financial problems can be found in almost every city and county of California. These are the main elements combining to produce the unprecedented pressure on local government budgets:

- *Tax reform legislation (SB90) that put property-tax limits on cities and counties*
- *A genuine threat that federal revenue-sharing funds will not be available after this year*
- *Drastic increases in employee wages and benefits*
- *Skyrocketing costs of liability insurance*
- *A gap between state highway allocations and rising local costs for maintenance and construction of city and county roadway systems*

SB 90 rigor mortis

The chronic complaint of local government is that revenues are fixed, shrinking in relation to costs which, in the past decade, have jumped 168 percent for cities and 150 percent for counties. Local revenues increased an average of 4 to 5 percent annually while expenses rose 7 to 8 percent each year. While reliance on the property tax as a source of revenue has declined, cities and counties considered it the last flexible source of income. SB90 changed that.

Passed in 1972 to provide property tax relief and compensate local entities for state-mandated programs, SB90 is viewed alternately as a blessing and curse. Supposedly to preserve tax cuts for the homeowner and the renter, this law put a ceiling on property tax increases. Abetted by inflation, for a while, assessors were able to keep revenue flowing by increasing assessed valuations. That wore thin. Now, cities such as Oakland, San Jose, Sacramento, and Fresno are at or near maximum tax rates, unable to continue increasing assessed valuations to a great extent, and incapable of tapping new revenue sources to meet rising costs or balance their budgets.

The provision mandating reimbursement for new programs created by the state appears to be a favorable counterbalance to the property tax lid. Unfortunately, the Legislature consistently has refused to honor its obligation, relying on SB90 disclaimers or "boiler plate" provisions. The Legislature legally can disown responsibility for costs through a number of loopholes, ranging from the reasoning that local government costs actually will diminish to purporting the state courts originated the expensive changes in a law. The most frequently used argument is that additional costs will be minor. The legislature already has used this disclaimer for over 741 mandated programs, primarily on minor-cost grounds.

Even when the state agrees to finance a mandated program, cost estimates may run substantially short of actual costs. Funds sometimes run out before the end of the year. The state also has been known to hold up reimbursements, forcing counties to juggle funds to keep services going. Los Angeles County recently had to borrow $25 million because the state was late paying for a number of health and welfare programs. All of this plays havoc with fiscal responsibility.

Most cities and counties would have been hard pressed to balance their budgets without the infusion of general revenue-sharing funds during the last five inflation-marked years. While the congressional authors hoped the funds would be earmarked for new social programs, many cities and counties used the 10 percent increase in revenues to keep even with the inflated costs of basic services. At best, extra revenues were funneled into one-time capital-outlay projects such as building new city halls or fire stations. Instituting new "people" programs generally was considered an unaffordable luxury. The luxury line of thinking was challenged in a report released by the state Office of Economic Opportunity. The OEO criticized counties for spending more than twice as much of their $215 million in revenue funds on construction as on social services during the 1974-75 fiscal year.

Revenue sharing is due to expire at the end of this year, and its renewal is in doubt. Liberals in Congress are seeking major changes in the program's operation. Local officials fear these funds will become embroiled in a fight between the Ford Administration and congressional Democrats as they tangle over levels of federal spending. A final decision probably will not be made until after the November elections. Meanwhile, local officials must prepare alternative budgets — with and without revenue

The author, a student at California State Polytechnic University at Pomona, prepared this article while a Journal *intern.*

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Number of Public Employees

	October 1964	October 1974	Percentage Increase
Cities	119,300	162,009	35.8
Counties	157,000	212,840	35.6
By Program:			
Police	30,800	51,272	66.4
Parks and Recreation	13,900	20,881	50.2
Sewerage	4,200	6,100	45.2
Fire	18,100	24,066	32.9

Average Monthly Earnings of Employees

	1965	1974	Percentage Increase
Cities	$657	$1168	77.7
Counties	$572	$1041	81.9

Where Property Taxes Go

	1974-75
Cities	10%
Counties	31%
Schools	53%
Special Districts	6%

sharing funds. Failure to renew the program would force cities and counties to make substantial cutbacks in services, or raise taxes, or both. But most cities and counties would run afoul of SB90 if they chose to raise taxes.

One of the largest cuts proposed by Mayor Reading is the layoff of 265 Oakland employees, including 88 firemen and 54 police officers. The greatest single contributing factor to the rising cost of police and fire protection, sanitation services, parks and recreation programs, and other services is the amount of employee salaries and benefits. Most mayors and county supervisors are wary of the political clout of public employees who have demanded and received dramatic boosts in wages and pension benefits.

Although the Legislature has not enacted a statewide public-employee collective-bargaining law yet, salaries and working conditions are established by negotiations in many communities under the "meet-and-confer" provisions of the Meyers-Milias-Brown Act. Collective bargaining is already a reality in most large cities — and there have been numerous strikes to prove it. As a rule, elected officials have been soft bargainers, winning labor support with large settlements and satisfying citizens by settling disputes swiftly. Last year's San Francisco city employee strike, and subsequent generous settlement by then-Mayor Joseph Alioto, is a prime example of this.

Strikes are not viewed as all bad by Sacramento representatives of local government. They prefer the strike possibility to the most popular alternative — compulsory arbitration. Cities and counties claim that the public gets more protection from a bargaining process, even with the right to strike, because of all the opportunities for voluntary settlement and the ability of local government to outlast a strike. Amazing as it may sound, some cities and counties save money during a strike while public sentiment builds up against striking employees. They feel this public pressure can be used to make employees accept a lesser settlement than would be granted under compulsory arbitration (where a neutral arbitrator often settles a monetary conflict by going down the middle, regardless of the consequences to the public treasury). Some communities have attempted to settle disputes through binding arbitration, and several have lived to regret it. Oakland's charter provision calling for arbitration is blamed, in part, for the city's current fiscal crisis. Mayor Reading claims that one ruling involving firemen has cost the city $3 million.

Bad insurance risk

Assuming that public employees have the right to a bargaining process, the right is an expensive one. Collective bargaining undeniably has increased local government's costs. Of all the wage increases and benefits negotiated, the most significant in terms of increased cost is retirement benefits. Markedly improved pension rights will not only result in heavy future costs, but recent studies have uncovered major deficiencies in existing pension funds that must be financed by large chunks of taxpayer money. (See companion article.)

The skyrocketing cost of local government's liability insurance and the withdrawal of insurance companies from this high-risk field is the latest crisis. For many local entities, premium payments have jumped between 100 and 300 percent in two years time. Throughout the state, an overall increase of 96 percent was experienced between fiscal years 1973-74 and 1975-76. These four factors have contributed to the cost hikes:

- *A claims-conscious society has discovered they can sue a city or county for almost anything that occurs within its boundaries*
- *Rampant inflation*
- *Erosion of governmental immunities since 1961 when the California Supreme Court handed down a landmark decision in* Muskopf *v.* Corning Hospital District
- *The withdrawal of major liability insurance carriers, leaving over one quarter of California's cities to hunt for insurance.*

Faced with this situation, many local governments are considering the possibility of providing their own insurance. Sacramento recently initiated a plan to cover itself for initial losses of up to $250,000 and purchase insurance for judgments over that amount. Smaller cities, unable to afford the self-insurance plans, are considering pool programs where a number of cities insure themselves collectively. These are only short-term answers. As with medical malpractice insurance, the Legislature has been asked to examine various alternatives, including a statewide insurance pool, arbitration of settlements, and a law to force all insurance companies operating in California to provide liability insurance.

Local public works departments have their own financial crisis. Local governments' share of the seven cent gas tax and users fees has remained constant during the past few inflationary years. Counties, for example, annually receive $504 per highway mile for maintenance. Actual maintenance costs are estimated at over $1,000 per mile. Gas tax increases have been proposed, but there is no guarantee the state will increase local governments' share. A constitutional amendment advocated by the Brown Administration would eliminate the highway trust fund entirely. Current highway funds would be dumped into the state general fund, forcing cities and counties to vie for money at the legislative level.

Partial relief, at least for large urban areas, may be the imposition of a new tax on payrolls. A recent state Supreme Court decision validated a one percent payroll tax in San Francisco. Indirectly, this levy would force commuters, living in the suburbs but working in the central city, to help pay for the costs of the urban center they use daily. The League of California Cities and the County Supervisors Association feel they are entitled to more money from Sacramento and Washington. This is a futile hope, at best. As Oakland's Mayor Reading discovered, no one wants higher taxes and no one wants services cut. There are no easy solutions in sight, but something has to give.

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LA CITY, COUNTY PENSIONS – MORE THAN A FRINGE BENEFIT

By SUSAN LITTWIN

When New York City's crazy-quilt finances came apart at the seams, people were shocked to discover that pensions for police and fire fighters were a huge chunk of the IOU. In fact, retirement benefits and Social Security for city employees were costing the city nearly as much as welfare — more than a billion dollars in fiscal 1973-74. New York's problem was really two problems: Benefits were so generous that city employees could retire after 20 years, at whatever age, at 50 percent of their final year's salary, including overtime; and assets had been wildly short-changed by budgetary gimmicks and actuarial assumptions of life expectancy and salary increases that hadn't been revised since World War I.

The combination of big benefits and serious underfunding is hard to imitate. But local governments are sensitive about resemblances to New York these days, and they are finding that the cost of delivering the secure retirement years that workers believe they have earned is climbing at an alarming rate. The highest costs are for police and fire fighters, whose high-risk jobs have won them the most liberal benefits. In Los Angeles, where 125,000 workers are on the county and city payrolls, the tab for retirement benefits was $325 million in 1974-75, up $75 million from the year before and about double the total of five years ago.

Benefits and inflation

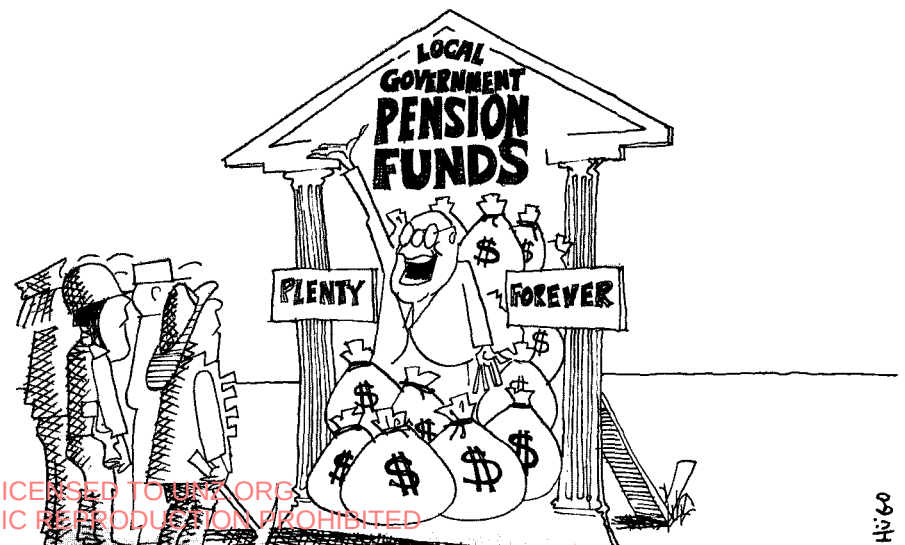
Much of the rise comes from improved benefits, but what has actuaries and administrators gulping is inflation. Retirement plans usually contain cost-of-living escalator clauses, which grant automatic raises to retirees whenever the Consumer Price Index goes up. Los Angeles County's cost-of-living increase is limited to 3 percent, considerably less than recent inflationary percentages, but Los Angeles City fire fighters and police enjoy unrestricted increases. More importantly, benefits are based on final salary while contributions to the fund are a percentage of the lower salary earned during the employee's working years. When inflation drives salaries up 6 and 7 percent a year, all actuarial calculations are thrown off.

But the improved benefits negotiated by strong new public-employee unions also give pause. Los Angeles County employees, who negotiated pension benefits for the first time in 1975, won $50 million in added pension dollars from the county — plus $30 million more after actuaries figured out the real cost. Improving pension benefits is sometimes considered back-scratching by both labor and management. Employees win tax-free raises when bosses pick up a larger share of the pension contribution, and employers can discount the sums accrued by those employees who won't work long enough to collect their share of the benefits.

The county's Retirement Systems manager, Ed Martin, denies that increased retirement benefits are the result of easy negotiation. Retirement benefits, he says, are deferred salary, earned by the worker. The hard bargaining is over the size of the total pie — how much goes to salary, retirement, or other benefits comes under minor adjustment.

Study in contrasts

Nevertheless, the generous pension benefits given Los Angeles' worker in uniform is getting envious scrutiny. Police and fire fighters have by custom enjoyed younger retirement, at a higher scale, than other public employees. There is also a flexible definition of "service-connected disability" that makes a policeman's heart attack a job-caused injury, entitling him to substantially greater benefits, while a clerk's heart attack is not so considered. A sheriff's deputy or fire fighter may retire from the county at age 55 after 30 years' service and collect 78.6 percent of his highest salary, plus an annual cost-of-living adjustment of up to 3 percent. The city's uniformed safety workers get a maximum of 70 percent of their highest salaries, with no cap on cost-of-living raises. By contrast, other county workers would earn only half of their salary if they retired at age 55



Susan Littwin, a former teacher, wrote "Parents and the public school" in the April 1975 Journal.

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Why retirement costs rise so rapidly

The citizens of Oakland, Sacramento and other California cities are learning that their municipal retirement plans are deeply in debt and that it will take new taxes to bail them out. These pension funds were built upon actuarial estimates that took little or no account of inflation. Revised estimates indicate that it will take substantial increases in city or employee contributions, or both, to make the funds fiscally sound again.

In addition, these same funds are being pressed to provide increased benefits and meet the rise in the cost of living. In Los Angeles, it is estimated, 50 cents of each property-tax dollar goes to pay retirement benefits, including Social Security. (That figure is colored, however, since the city's revenues extend beyond the property tax.) One key problem for pension funds, according to Mike Arnold of the League of California Cities, involves benefits having a retroactive effect. This means that the pension fund must pay out additional benefits without receiving comparable contributions.

Understanding the pension-benefit scheme for local government in California is extremely difficult, partly because there are four different ways in which the problem can be handled:

- ***Independent systems, such as those operated by Los Angeles and Oakland.***
- ***Contracts, with the state Public Employee Retirement System administering them. (This is the most common arrangement.)***
- ***Private insurance trusts, used now only by about 15 small cities.***
- ***No plan except Social Security, limited to a couple of small communities having only a handful of employees.***

As the fiscal belt tightens around municipal government, more and more attention will be directed to this area of government, which has previously been reserved to actuarial firms, retirement boards, employee groups and city officials.

after 30 years on the job. And a Los Angeles teacher, whose pension is administered through the State Teachers Retirement System, would receive less than half of his or her best paycheck at age 60 after 30 years in the classroom.

Safety workers defend their higher benefits by pointing out again that pension benefits are earned — a chunk of salary deferred until retirement. Moreover, says Martin, it is in the public interest that they retire at a relatively young age. "You don't want an aging fireman puffing up the side of a hill with a twenty-pound hose when it's your house that's on fire." And Scott Franklin, secretary of the Los Angeles County Fire Fighters Local 1014, argues that fire fighters nationally are the occupational group with the highest death and injury rate, and that between a third and half of them can expect to lose work time for injuries suffered on the job.

M. Lewis Thompson, manager of the City Police and Fire Fund, says that some of the high cost of pensions for uniformed workers results from the relatively low turnover of personnel. Nearly every police officer and fire fighter who starts on the job will stay around to retire and collect pension benefits.

As alarming as the cost of benefits is the problem of funding them. In principle, pensions are funded by employers' contributions, workers' contributions, and the interest that this investment earns. Actuaries determine how large a contribution is needed to pay the benefits promised, and a retirement board invests the money as best it can. In practice, a number of other things result in unfunded liability — which means the amount that would not be on hand if the system were to end and all the members wanted to draw their promised benefits.

Many a slip . . .

One of the things that happens is inflation, which actuaries cannot accurately predict two or three decades in the future and local governments have failed to allow for adequately. Another is that some government employers don't contribute to the fund. In Massachusetts, for instance, the pension system has no assets. Benefits are appropriated annually on a "pay-as-you-go" basis, which means that money taken out of a working civil servant's paycheck goes right down the pipe to a retired civil servant's pension check, with any additional money coming out of the general fund.

Between May 15, 1933, at the depth of the Depression, and May 6, 1959, the Los Angeles City Police and Fire Pension System had also dispensed with actuarial requirements and operated on a pay-as-you-go basis. The result of this emergency measure that lingered 26 years is an unfunded liability exceeding $1 billion in a system covering about 10,000 workers and 7,000 retirees. Last year, the city spent $103.3 million for police and fire pensions. This amounts to about 50 cents in pensions for every dollar in salaries. (By comparison, the county spent 25 cents in safety-worker pensions for every salary dollar and about 14 cents on civilian pensions.) Much of the city expenditure goes toward paying off the system's unfunded liability over a 70-year period. This is 40 years more than the federal law allows private systems, and the assets equal only 17 percent of total liabilities, while pension experts call 40-50 percent a healthy ratio. Toss in the system's uncapped cost-of-living raises and the potential for serious trouble is there, if inflation goes on unchecked.

Investment practices

The Los Angeles County Employees Retirement Association, which includes about 84,000 active safety and general workers and about 16,000 retirees, has $1.5 billion in assets, representing a sounder 42 percent of liabilities. Here, the problem lies in the presence rather than the absence of assets. Some of the nervousness in this regards stems from New York City's practice of investing pension fund assets in city bonds considered by private investors as bad risks. But much of the concern may also be purely local in origin. A few years ago, the Board of Supervisors made a practice of borrowing from the fund for county construction projects rather than asking the voters to approve bonds.

There is a national effort to bring public pensions under federal scrutiny by extending the Pension Reform Act of 1974 to the public sector. In Los Angeles, however, both city and county statute give retirees first call on the public dollar. Other suggestions for reducing the cost of pensions include putting a limit on benefits for high-salaried administrators and reducing disability benefits for retirees able to work at other jobs. There have also been recommendations, unheeded, that cities pay for inflation in advance by factoring it into long-term assessments of pension liabilities. Whatever else might be done, however, the high cost of retirement benefits is not going to disappear and neither will the liability in meeting it.

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The slow growth of year-round schools

By Tony Waters

Rising school construction costs and overcrowded educational facilities for many years were major concerns of students, educators, taxpayers and parents. One obvious solution was to use schools year-round instead of for only nine months. In 1972, Superintendent of Public Instruction Wilson Riles was so excited by the prospect of opening schools for 12 months that he predicted that most California districts would convert to a year-round calendar by 1977. In 1973, the state's Little Hoover Commission published a report proclaiming that "the extended summer vacation is no longer a sociological and economic requirement." Maybe not, but Californians seem attached to it nonetheless. Summer vacation is as much a fixture in city life as in the rural areas for which it was created. In any case, today only 159 of California's 7,077 public schools operate year-round, and the outlook for a rapid increase is not very optimistic. Dr. Don Glines, the Department of Education's expert on the year-round concept, predicted that only another 40 schools will be added in the next school year. And two districts — Milpitas and Calexico — have dropped year-round programs.

Growth of year-round

The year-round experiment started in California seven years ago, when the Legislature authorized Park Elementary School in Hayward to initiate a so-called 50/15 plan — 10 weeks of school and three weeks of vacation. School officials expressed the hope that the program would provide "a better way of teaching all regular subjects plus providing enrichment." Gradually, the number of schools switching to year-round increased, but not as rapidly as Riles had anticipated, because the need for classroom space decreased with declining enrollment. Here is how the year-round system grew:

Year	Districts	Schools	Students
1968-71	1	1	600
1971-72	4	9	7,700
1972-73	16	48	29,966
1973-74	30	100	61,233
1974-75	38	127	79,305
1975-76	45	159	102,184

As the need for space declined, proponents of year-round schools changed their emphasis to the educational advantages of the system. Glines now urges districts to offer the option of a nine-month or a 12-month school year.

Community reaction is favorable in most districts using one of the year-round systems [see box]. Educators claim that students learn faster, but test scores don't always confirm this assertion. One small district reported significant increases in math and reading scores after flexible schedules were adopted, but the San Diego district found advantages in the 12-month program but not enough "to constitute a definite pattern of superiority."

Even where educational advantages can be shown, however, some communities are still unwilling to break with tradition. In Elk Grove, near Sacramento, the superintendent recommended a 45/15 plan for the high school, but the school board responded to public will and chose double-sessions instead. There is some feeling in Elk Grove that, had a year-round option been offered with greater flexibility, it might have been acceptable.

Scheduling problems

Because of scheduling problems, year-round programs have not been well received in high schools. Only eight of the 796 high schools in California use one of the 12-month systems, and all avoid the 45 /15 plan. Growth of the year-round system has been centered in Southern California, and the most intense development is in San Diego County (with 11 percent on the program). (M. Ted Dison, county superintendent of schools, claims that population growth and the area's mild year-round climate account for the trend.) There are no year-round schools in San Francisco or Marin counties, nor in the mountain areas. There has been significant use of the plan in Solano and Sonoma counties, however.

The state won't come close to meeting Wilson Riles' prediction that most schools will be operating year-round by 1977. Glines now says only that there will be a significant number by 1980. He stresses, though, that traditional schedules will always be an option — whether for agricultural reasons or simply because the long, lazy summer vacation has indeed become part of the American life-style.

The author, a student at St. John's College in Annapolis, Md., prepared this article as part of a special "practical politics" program in the Sacramento public schools.

Different year-round systems

45/15 staggered — Students and teachers are divided into four groups or "tracks," each having nine weeks of school followed by three weeks of vacation.

45/15 bloc — This plan realizes no space savings because there is only one "track" and all students attend for the same nine weeks and get the same three weeks off.

Flexible — Schools are open all the time, and students pick any 175 days they wish to attend.

Quarter, Quinmester, Concept 6 and Concept 8 — The school year is divided into 4,5,6 or 8 segments, and students are required to attend a specified number of segments.

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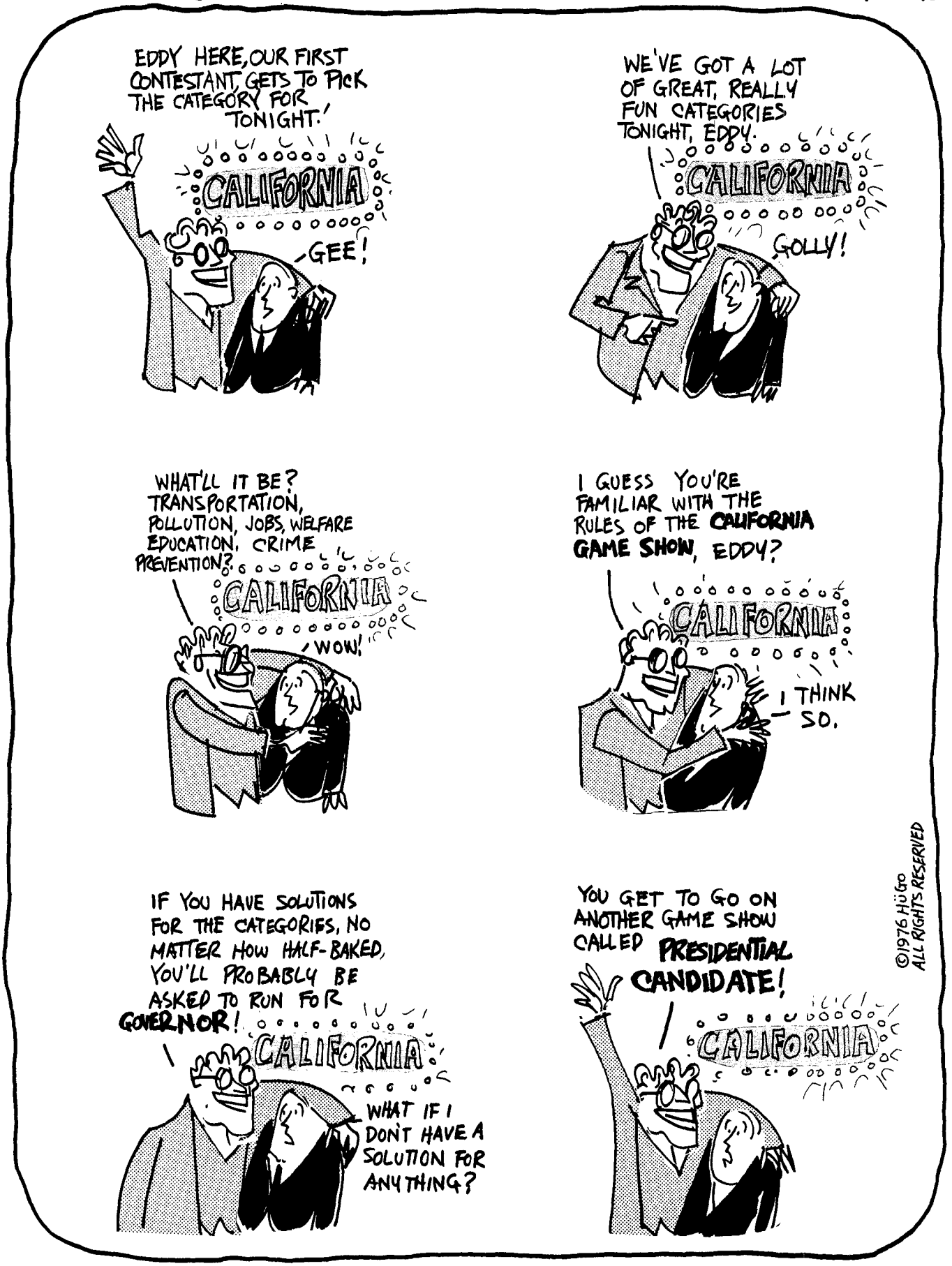
Caucus

by HüGo


EDDY HERE, OUR FIRST CONTESTANT GETS TO PICK THE CATEGORY FOR TONIGHT!
CALIFORNIA
GEE!
WE'VE GOT A LOT OF GREAT, REALLY FUN CATEGORIES TONIGHT, EDDY.
CALIFORNIA
GOLLY!
WHAT'LL IT BE? TRANSPORTATION, POLLUTION, JOBS, WELFARE EDUCATION, CRIME PREVENTION?
CALIFORNIA
WOW!
I GUESS YOU'RE FAMILIAR WITH THE RULES OF THE CALIFORNIA GAME SHOW, EDDY?
CALIFORNIA
I THINK SO.
IF YOU HAVE SOLUTIONS FOR THE CATEGORIES, NO MATTER HOW HALF-BAKED, YOU'LL PROBABLY BE ASKED TO RUN FOR GOVERNOR!
CALIFORNIA
WHAT IF I DON'T HAVE A SOLUTION FOR ANYTHING?
YOU GET TO GO ON ANOTHER GAME SHOW CALLED PRESIDENTIAL CANDIDATE!
CALIFORNIA
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OAKLAND'S LOSS, SAN FRANCISCO'S GAIN

Moscone's gamble on a new-breed police chief

By DARYL LEMBKE

The crime rate keeps climbing and people are scared, even in California, which has the reputation of having better police forces than the East or South. When talk turns to well-run police departments within California, Los Angeles usually gets the plums and San Francisco gets the razzberries. When former state Senator George R. Moscone took office as mayor of San Francisco last January, he and his new police chief, Charles R. Gain, had the task of doing something about crime with a police force rated in law enforcement circles with that of Chicago, Detroit, Cleveland, and New York — considered among the worst in the country.

The public has not been much aware of the San Francisco department's inadequacies, although a "blue-ribbon" Committee on Crime clearly spelled out the shortcomings in a 1971 study. Al Nelder, then-police chief and now a member of the board of supervisors, hotly disputed the study's conclusions while then-Mayor Joseph L. Alioto ignored them, even though he had appointed the committee. Throughout his two terms, Alioto boasted of having one of the nation's best police departments.

Police force study

The committee Alioto appointed had a different story. It said police morale was low, discipline poor, training faulty and promotion often dependent on political connections. The report stated:

"Some officers sleep in the station or in radio cars during their shifts. Some have lunch or dinner as 'guests' of the restaurants they visit . . . Young officers who wish to be inspectors (detectives) are advised by their fellow officers that the position is reached, not by developing a good performance record or by self-improvement and education, but by cultivating the right friendships or joining the right church."

A law enforcement executive, who is acquainted with the department today, said little has changed since that devastating 1971 report. A patrolman must pass a civil service test now before becoming an inspector, but that was mandated by a ballot measure designed to take some of the politics out of advancement to the coveted inspector's job.

The drinking apparently is far more serious than it had been in the year studied (1970), when the Committee on Crime said there were 35 policemen who belonged to an internal Alcoholics Anonymous unit and another 60 who should join. One source estimates that, today, up to 300 officers drink on the job, an additional 50 to 60 are "working alcoholics," and between 100 and 200 are "cured" alcoholics. The same source commented:

"The San Francisco Police Department belongs somewhere with Chicago, Cleveland, Detroit, and New York, among the worst departments in the United States. It doesn't begin to compare in quality to Los Angeles, San Diego, or Long Beach. There's probably petty corruption, not as bad as Chicago, where there are open payoffs on the street to cancel a ticket; but there are suspected payoffs in San Francisco regarding the tow-away service, the permit bureau and even among a few meter maids who don't cite overtime parking for certain businesses in exchange for petty gratuities like groceries or having their hair done."

In the meantime, the San Francisco crime rate has been climbing as rapidly as it has in most big cities. The rate leveled off nationally toward the end of 1975, but that does not appear to be the trend in San Francisco. The rate shot up 48 percent in seven categories of serious crime for February 1976, compared to the same month in 1975. Comparing months in a rising spiral may be unscientific (for instance, there was only a six percent increase in February over January, 1976), but the fear of getting mugged

The author is chief of the San Francisco bureau of the Los Angeles Times.

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or worse is very real. Since crime is a high-priority concern, politicians at least have to promise to do something about it. The question is, what actually can they do?

Politics and the police

What mayors can do is dump the crime problem in the lap of a new police chief and tell him to get cracking. It is comparable to the 49er owners hiring a new football coach and holding him accountable for producing a winning season. During the mayoralty campaign, board of supervisors president Dianne Feinstein promised, if elected mayor, she would drastically reduce the average police response time from 18½ minutes to two minutes and institute other police reforms. In the runoff between Moscone and Supervisor John Barbagelata, Moscone appropriated Feinstein's approach. He said his new police chief (Chief Donald Scott had announced his retirement) would be instructed to sweep police officers out of desk jobs and "put them on the street" to combat serious crime. He also said the department should be reorganized.

When Moscone won, one of his first acts was to appoint a police commission and police chief. For chief, he brought in an outsider — and a controversial one at that — former Oakland police chief and St. Petersburg, Florida, public safety director Charles Gain.

Berkeley Police Chief Wesley Pomeroy, a friend of Gain's and, like him, one of the rare liberals in the law enforcement establishment, is somewhat cynical about the chances of success under such circumstances. "Big city chiefs have limited tenure," said Pomeroy, 56, who has been chief in Berkeley for 19 months and has a total of 34 years in law enforcement. "The average tenure is 3.5 years. The main reason it's so short is politics. You hire a chief to solve a problem. The mayor's job is done when he selects the chief. But, when the chief comes in with the expectation that he'll cut crime right away, he's going to fail. You can't address basic issues that fast."

Gain, Pomeroy, and several other chiefs around the country (Robert de Grazio in Boston, Joseph McNamara in Kansas City and William Kolender in San Diego, for example) are among the growing number of so-called "progressive" chiefs. They have the reputation for attacking crime problems imaginatively and with open minds.

Unlike Gain, his predecessor, Scott, was classified as a "cop's cop." He was known to bend an elbow now and then with his captains. The captains, in turn, often had little control over the stations. One critic described it as "really 11 departments: nine stations, the inspectors' bureau and the chief's office." In appointing Gain, the first chief from outside the department in 65 years, Moscone resisted the urge to name his long-time buddy, Police Captain Mortimer McInerney, to the top spot. McInerney, 50, seemed to have a lot going for him that Gain didn't: he is Irish-Catholic in a department still loaded with the Irish, he is personable, a good "mixer," and has good political connections. When asked why he didn't appoint McInerney, Moscone said he "thought the kind of changes needed in the department called for an outsider who had administrative experience."

Keeps campaign promise

Gain started out by fulfilling Moscone's campaign promise to put more police on the street. He culled 152 officers from various units (not many from strictly "desk jobs"), and assigned them to a new Crime Specific Task Force. This task force was set up to deal with violent crime. But, though candidates talk a lot about reducing crime by such traditional methods as beefing up patrols and restoring the foot patrolman on the beat, it is not as easy as that. A recent Kansas City study casts doubt on the value of preventive patrol.

It doesn't seem to matter how many patrol cars are put on, the area they cover is still large. The criminal merely waits until the car passes, then commits a crime, secure in the knowledge the car won't come by again for a while. In this day of tight budgets, foot patrols are too expensive to be used extensively. All factors point to the police not being a potent force in dealing with the crime rate, so why be preoccupied with them? Comments Pomeroy, "Maybe the only valid measure of a police department is whether people in a city believe it's good or bad. It (a police force) may be a deterrent if it's believed to be a good department."

This new breed of police chiefs is a firm believer in the idea that root causes — unemployment, lack of reading skills, poor housing and family environment — must be tackled before any major dent is made in crime. They agree with former US Attorney General Ramsey Clark that those basic issues must be dealt with before there is any chance of dealing effectively with crime. Pomeroy concluded, "I don't know if that (working on the root causes) will make crime occur less often. I think it will, but we've never really demonstrated it. From what we know about human beings, you'd think they'd be less inclined to victimize one another if they have something going for themselves."

Who is Charles Gain?

What kind of a man did San Francisco get as police chief? Though he never went to college, Gain often sounds like a scholar, sprinkling his conversation with terms like "denigrate," "homogeneous communities," and facing "an exponential increase in crime." This graduate of Castlemont High School, though he bypassed academia, has been a consultant to criminology schools at the University of California at Berkeley and the State University of New York.

When Gain was chief at Oakland, where he had risen from the ranks, he instituted a number of changes. Pointing out that patrolmen spend 85 percent of their time maintaining order and solving problems such as domestic battles and landlord-tenant conflicts, Gain emphasized the service aspect of police work over enforcing the letter of the law. Stating that the black and white police cars were too "funeral", he had them painted brown and white. Not stopping there, he replaced the traditional police star on the cars with Oakland's new city emblem, an oak tree, with the words "police services" under it. Gain said this would get away from the "occupational army" concept of

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police departments.

His men not only didn't like the changes, they said he was too aloof. They complained he seldom spoke to them in the elevator, expressed no gratitude when officers retired, and failed to visit wounded officers in the hospital. The force also was disgruntled at Gain's strict rules limiting use of their guns, complaining his disciplinary actions (such as suspending a man two days for not wearing his hat) were overly harsh and that he was overly-zealous in encouraging citizen complaints against police. Finally, many of the Oakland department's 721 officers felt he had let them down by not helping them obtain salary increases and additional fringe benefits.

Gain said he could not have been popular with officers in Oakland because he disapproved of their feeling that the public is the "enemy" and should be told as little as possible about police activities. He said he knew the force resented him when he forbade the use of racial slurs and fired officers for lying during internal affairs investigations. Gain felt that, under the new negotiation system, it would have been improper for him, as a department head and a part of management, to campaign for police benefits with the city council.

In 1971, the Oakland Police Officers Association handed Gain a four-to-one vote of no confidence. Blacks, grateful that he had befriended them against what they considered police brutality, rallied around him as did the Alameda County Bar Association. With that help, Gain hung on until he retired in 1973.

Instant replay in St. Petersburg

His unpopularity among policemen continued at St. Petersburg, a conservative city of 267,000 persons where Gain served as public safety director for 11 months before quitting to become undersheriff of San Francisco. While there, Gain transferred a number of disliked white officers out of the black community, recruited more black officers, and reversed a policy of charging blacks with armed robbery when the crime was purse snatching. Reporter Pat McMann of the *St. Petersburg Times* felt it was not his sensitivity toward the black community that got Gain in trouble. "I felt it was a management problem on his part," said McMann. "If he had managed people better, he could have made it . . . The policemen on the street didn't feel they were getting support from Gain."

Asked about this recurring complaint, Gain conceded that "this may be a personality defect of mine." He said he had given a lot of thought to his six years as chief in Oakland. "Hell, as chief, you can't be loved," said Gain. "You cannot equate organizational effectiveness with popularity. What you've got to do as an administrator is have principles, have a conscience, try to be fair and consistent. But, because of the need for change in police departments, someone's got to affect them."

When this lanky (6 feet 1½ inch, 175 pounds) 52-year-old walked into the San Francisco police chief's office last January 12, he was faced with a department that was not only backward, but also fragmented and, perhaps, corrupt. Its morale was at an all-time low because of an ill-fated police and firefighter strike last August, which made the electorate so angry police and fire benefits were diluted at the polls in November.

Half mast criticism

Gain didn't get around to visiting the stations until he was criticized for his aloofness two months after taking office. By then, the wolves were ravenous. At one of the belated district station meetings, one officer told him flatly, "We don't trust you." During the meetings, officers' questions covered such subjects as his plan to use non-police personnel for undercover surveillance on drinking cops, his pledge to hire gays and more female police officers, his intention to strengthen the process by which citizen complaints against officers are investigated, his insistence on elevating community relations director Rodney Williams (who is black) to a captain's pay, and, above all, his removal of the flags. (Gain removed the flag decorating his office and replaced it with plants. Disapproving officers flew tiny flags from their police car antennas.)

"A somewhat antagonistic attitude pervaded the meeting at some stations," said Gain in what officers who were present at the meetings said was a masterpiece of understatement. The response to him was one of "distrust and disbelief," the chief said. "None of this surprised me. It concerned me, of course," Gain mused. "It had been reported erroneously in the Examiner that I referred to my officers as damned fools on the flag issue. I told them this was incorrect. I referred to the officers' actions as childish, which may or may not be different."

"Policemen want a guy who doesn't rock the boat," said Gain. "They want someone who is protective of their feelings, their concerns, their fears — who will make change only if it fits in with the consensus. Probably the majority of chiefs operate that way. In Chicago, Detroit and Cleveland, that's what you'll find. What you have to do is institutionalize the ability to change. If a chief is there long enough, he can get the police to realize that these changes benefit their safety. A chief wants to relate effectively with his men. I intend to do that in San Francisco. But citizens often look to the police to do something they cannot do — reduce the crime rate — and that aggravates the problem."

As he pursues a stormy course in his first months as San Francisco police chief, Gain has no illusions about miraculously lowering the crime rate. "Sociologically, it's been known for years that you've got to address the cause and not try to use band-aid types of remedies," said Gain. "A department can analyze and identify the serious crime problems such as robbery, assaults, and street-related crimes, and then devote its personnel to those problems. You can make an impact. . . . There have been crime decreases in some cities for a given year. But, eventually, the quantity of crime outstrips the resources of the police department. That's been the problem of every city of which I have knowledge." This is just one challenge faced by a man who would rather make an impact than be loved.

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The political greening of the women's movement

By VONNIE J. MADIGAN

Two years ago, 78 women ran for office in the state primary elections. In November, four won — Secretary of State March Fong Eu, Congresswoman Yvonne Brathwaite Burke and Assemblywomen Pauline Davis and Leona Egeland. This year, about as many women are entered in the primary elections, and measures are being taken to crush an encore of those mass political fatalities.

Women's campaigns have traditionally been poorly planned, loosely organized and inadequately financed. Statewide, women have been trying to gear up for the 1976 elections armed with both pragmatism and money. Cathy O'Neill, field representative to United States Senator John Tunney and, herself, twice a candidate for state office, put the mission of women this way: "Just because someone is nice and is running for office can no longer be a criterion for support. It may be wiser to support someone outside your area who has a greater chance of winning."

What does it take to win? "There aren't going to be any more nickel-and-dime campaigns," predicted Suzanne Paizis, a 1972 senatorial candidate and head of the Santa Cruz County Commission on the Status of Women. "Anyone who is running for office had better look at her district, the registration percentages, whether there is an incumbent, and fundraising capabilities." O'Neill, Paizis and other women who have run for office have found that women's campaigns still have a number of handicaps:

Women are still an unproven talent at the ballot box. This forces women to educate while they are seeking votes. Contributors and the public must become accustomed to women running their government. The candidate, herself, must overcome political naivete. Men still don't realize the political advantages of supporting female candidates.

Women lack the kind of support needed to run successful campaigns. Women professionals available to manage campaigns can be counted on one hand. Professionals of either sex cost money, and that is the bottom line for most campaigns.

California is among the five lowest states in female legislative representation — 1.7 percent for 53 percent of the population. There has never been a woman in the state Senate. There are now three assemblywomen in the lower house. Chances for an increase in female representation are good this year (see box) partially because strong women candidates have emerged in several non-incumbent races.

The quality of female representation is now more important than ever. Leaders in the women's political movement agree that the only women to support are those that would become good legislators. Women, like the ethnic minorities, realize that being as good as white male elected officials is not enough. They must be better.

Many women are running for office now because they feel it is important to obtain equal representation. "If they think they are running because they add something feminine, they are running for the wrong reason," observed Jan Baren, former advocate for the state Commission on the Status of Women and now a legislative consul-

Which women may win

Where can women win in 1976? An analysis of the state's primary election lineup shows that there are excellent prospects for more women being elected — but only in Assembly districts. Here is the outlook:

Congress

Incumbents Yvonne Braithwaite Burke, a Democrat, and Shirley Pettis, a Republican, should win reelection easily. Wallace Albertson, president of the California Democratic Council, will probably be defeated by Senator Anthony Beilenson in the Democratic primary for the seat being vacated by Thomas Rees.

State Senate

There has never been a woman in the state Senate, and there is a good chance the record will remain intact after this year's elections. The best bet is Democrat Renee Simon, a Long Beach councilwoman and a Democrat. She will face incumbent Republican George Deukmejian in November in a district with a favorable Democratic registration. Two longer shots are Democrats Sabrina Schiller and Betty Wilson, who are running for seats that also are expected to be won by Republicans. Schiller has a tough primary opponent, Charles Belser.

Assembly

Incumbents Leona Egeland and Teresa Hughes, both Democrats, should return. On the Democratic side, the best bet is Jan Tolmach, who is seeking the seat of retiring Assemblyman Ken MacDonald of Ventura County. On the Republican side, there are three prime candidates: Carol Hallett, Marilyn Ryan, and Marion Bergeson, all running in non-incumbent districts. Three Democratic women are running aggressive campaigns in districts now held by Republicans, but expected to remain that way, Sandy Baldonado, Cindy Wear, and Betty Mann. Two more Democrats, Betty Smith and Maxine Waters, could win in November, but they are underdogs in the June primary. E. S.

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tant. "They have to take responsibility for their drive for power and they will have to make the same concessions that men have had to make to participate in the political system."

Successful political movements are run under a strong leader-organization relationship. The women's movement has yet to develop that centralization. Some loose direction is provided by national figures such as Governor Ella Grasso of Connecticut and Congresswomen Bella Abzug and Shirley Chisholm. The lack of a firm directive hand has prevented linkage with traditional party organizations and labor. "There are no stars," noted O'Neill. "The women's movement is egalitarian in the sense that we don't seek to create stars." The movement has also failed to interest women who are working, low-income and non-white.

The lack of leadership may be interpreted as the end of the "queen-bee syndrome." Explained Rita Gordon, former head of the Sacramento branch of the National Women's Political Caucus: "Women who have made it will behave less like a queen bee because of sheer numbers. The women with power now didn't get there because God anointed them, or because they played acceptable roles for men."

One measuring stick of the growing maturity of women in politics is the direction their organizations have taken. Traditionally, women have aligned themselves with nonpartisan study organizations like the League of Women Voters or the Sierra Club. Today, a dozen highly partisan groups are active. The National Women's Political Caucus, WOMEN FOR, Black Women for Political Action, and formal and informal party caucuses have changed the style of women's organizations in the public affairs area. The clout those groups wield is limited. Even the strongest back their endorsements with limited money and minimal campaign structures. All admit they are on the ground floor of mastering the system.

The organization is seen as a tool for awakening women to the world of politics. Women are encouraged to talk about politics and begin working on boards and commissions. Organizational and planning skills are honed.

The National Women's Political Caucus (NWPC) is probably the most visible group engaged in grooming candidates. The organization is a coalition of Democratic, Republican and independent voters gathered to support candidates actively. NWPC suffers from regionalism of interest because the chapters tend to concentrate only on candidates running in their areas. A statewide communication network — and possibly a central political coordination operation — is a goal of the group. Most of all, NWCP feels the need to do a better job of fundraising, drawing on business and labor for support.

Elections cost money

Women candidates have a hard time raising money. The reason is explained by Vi Kinney, media coordinator for the state Commission on the Status of Women: "When women are accustomed to writing checks for utilities and groceries a $2,000 political donation blows them away. They don't understand the cost of an election because they have always played volunteer roles. I see public financing as the only way for women to really get into elections."

A 10-year-old liberal organization, WOMEN FOR, puts money behind the candidates it endorses. With a membership of about 2,500 and a full-time secretary in a Beverly Hills office, WOMEN FOR supports candidates statewide for a total of about $10,000. It established a precedent by contributing to a race far from their Beverly Hills base, Egeland's first Assembly campaign.

Teresa Hughes

Shirley N. Petti

Democrats are making gestures toward equalizing the division of their campaign dollars. State chairman Charles Manatt cited the party's new affirmative-action funding program for 1976 as a step in the right direction. The program requires that more money and technical support be placed behind women candidates. The political fact of life is that most women do not make it out of the primary, and that's where most of the help is needed. "We have started to farm leadership, to groom women candidates," reported Manatt. "We can help a woman candidate during the developmental phases of the campaign before the primary." The party machinery, however, is supposed to remain neutral during the primary itself.

Political parties help

The Republicans are not so formally committed. There are unofficial groups supporting female candidates and the Equal Rights Amendment, according to Judy Miller, a member of the GOP State Central committee and the NWPC. "The party leadership support hasn't happened," she said. "There has been a loosening of attitudes with greater realization of electability."

Some political analysts have found that women have a better chance of being elected in Republican or conservative districts, but most women involved in California politics today are liberal Democrats. In recent years, all of the women elected to the California Legislature have been Democrats.

How can more women get elected to the Legislature this year? Assemblywoman Leona Egeland feels that the successful candidate must be aggressive and competitive. They cannot run solely with the support of women's groups. They must realize that there is no such thing as a women's issue. All issues are women's issues. Women need the same cross-sectional support as men do in successful campaigns. "What women need now," suggests Jan Baren, "is a kind of majority consultants — a resource pool of campaign and issues staff to help elect non-incumbents."

Women are not recognizing that charisma is a necessity. "Why do people vote the way they do?" asked Egeland. "I think it's that undefined thing that we lump together under personality." But charisma is not enough. Women must project competency as well, and that involves planning. Most of the men in politics have been plotting their careers for years. Women are jumping into races with plenty of energy and little preparation.

The biggest reality women have to face is that equality of representation is not going to happen overnight. It will take time to build clout. Gradually, with good planning and fundraising techniques, women can stop being this nation's largest unused political resource.

The author, a frequent Journal *contributor, is a freelance writer based in Santa Clara County.*

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Strength of the minority

Democrats in the Legislature gave up hope in April of enacting an emergency bill to put the state's near-defunct Agricultural Labor Relations Board back into operation with a new supply of funds. Senate Democratic leader David Roberti conceded defeat to Upper House Republicans and said the issue would be up to the people in November when a funding initiative sponsored by Cesar Chavez's United Farm Workers probably will go on the ballot. There was speculation, however, that fear of the initiative would prompt farm interests to remove the blockade on the stop-gap funding measure as an alternative to the Chavez plan.

Although the Republicans have only 15 votes in the Senate, they can block any appropriations or urgency bill requiring a two-thirds vote in the 40-member house. There are also a few farm-area Democrats who declined to vote for the funding measure, which cleared the Assembly on a party-line vote. The Senate action prompted the resignation of board member Joseph Grodin, leaving the panel without a quorum. (Joe Ortega and LeRoy Chatfield had previously resigned from the five-member board.) This left only chairman Roger Mahony, a Catholic bishop, and Richard Johnsen, a former grower lobbyist, holding down the unfortified fort. They were left without a chief of staff after chief counsel Walter Kintz resigned.

Parks and radar

These actions left in shambles the landmark farm-labor act which has generally been viewed as the single major accomplishment of Governor Brown. The Legislature gave the governor something he wanted during April, however, by enacting a $75 million urban-park measure covering a three-year period. Another of Brown's fiscal requests, $363,000 to equip Highway Patrol cars with radar, was deleted from the Senate version of the budget by a finance subcommittee.

Assembly Speaker Leo T. McCarthy introduced a proposed constitutional amendment doubling the length of Assembly terms from two to four years. The measure is not expected to clear the Senate unless it is amended to extend terms of senators from four to six years. McCarthy said the two-year term was designed to make legislators accountable to the public but that recall procedures are just as effective and much less expensive than state elections.

Senate (24D, 15R)

	SB 1401	AB 1916	SB 1471	AB 2886	AB 2550	SB 1352	SB 1560	SJR 40
Alquist (D)	*	*	*	Y	Y	Y	Y	Y
Ayala (D)	Y	*	Y	N	*	Y	Y	Y
Behr (R)	Y	N	*	N	Y	N	Y	Y
Beilenson (D)	Y	Y	Y	N	Y	*	Y	*
Berryhill (R)	Y	Y	*	Y	*	Y	Y	Y
Carpenter (R)	N	*	N	Y	N	Y	*	*
Collier (D)	N	*	Y	Y	Y	Y	Y	Y
Cusanovich (R)	N	N	Y	Y	Y	Y	Y	Y
Deukmejian (R)	Y	N	N	Y	Y	N	Y	Y
Dills (D)	N	N	Y	Y	*	*	Y	Y
Dunlap (D)	Y	Y	Y	N	Y	*		
Garcia (D)	Y	N	Y	N	Y	N	Y	
Greene (D)	Y	Y	N	*	Y	*	*	
Gregorio (D)	Y	Y	N	Y	Y	Y	N	
Grunsky (R)	Y	N	Y	Y	Y	Y	N	
Holden (D)	Y	*	Y	N	Y	Y		
Holmdahl (D)	*	*	*	Y	Y	*	*	*
Kennick (D)	Y	*	Y	N	Y	Y	Y	
Marks (R)	Y	N	Y	N	Y	Y		
Mills (D)	Y	Y	Y	N	Y	Y	Y	
Nejedly (R)	Y	N	Y	N	Y	Y	Y	Y
Petris (D)	Y	Y	Y	N	Y	N	Y	
Presley (D)	Y	Y	Y	N	Y	Y	Y	
Rains (D)	Y	Y	N	N	Y	Y	Y	
Richardson (R)	N	N	N	Y	N	*	Y	N
Robbins (D)	*	*	Y	N	Y	Y	N	
Roberti (D)	*	Y	Y	N	Y	N	*	
Rodda (D)	Y	*	Y	N	Y	Y	Y	
Russell (R)	Y	N	N	Y	*	Y	N	
Schrade (R)	Y	N	Y	Y	Y	Y	Y	
Smith (D)	Y	Y	Y	N	Y	Y	Y	
Song (D)	Y	Y	Y	N	*	Y	*	
Stevens (R)	Y	N	Y	*	N	Y	*	
Stiern (D)	Y	N	N	N	Y	*	Y	
Stull (R)	N	N	N	Y	*	Y	Y	
Way (R)	*	N	Y	Y	N	Y	Y	
Wedworth (D)	Y	N	Y	Y	Y	N	Y	
Whetmore (R)	Y	N	Y	Y	N	*	Y	
Zenovich (D)	*	Y	Y	Y	Y	Y	*	
(one vacancy)								

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through April 18th. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes
N - No
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes).

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes).

Senate

ELECTIONS

SB 1401 (Rains) — Would make the attorney general, instead of the Fair Political Practices Commission, responsible for enforcing provisions of the Political Reform Act of 1974. Passed 27-6.

AB 1916 (Keysor) — Would enact procedures for the formation of new parties in California and for new parties to qualify for the ballot. Senate rejected conference report, 13-17.

EMPLOYMENT

SB 1471 (Rodda) — Would change operative dates of key provisions of the educational employment relations act of 1975. Passed 28-7.

AB 2886 (Boatwright) — Would appropriate $2.55 million to fund the Agricultural Labor Relations Board through the end of the current fiscal year. Vote on proposed amendment by Senator Alquist to transfer board functions to the state Office of Administrative Hearing. Defeated 17-21.

MISCELLANEOUS

AB 2550 (Brown) — Would appropriate $13 million for a state-federal program to provide in-home social services for the aged, blind and disabled. Passed 27-6.

SB 1352 (Way) — Would authorize a city or county to appoint a board to hear appeals regarding lack of public accommo-

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dations for the physically handicapped. Passed 27-5.

SB 1560 (Rodda) — Would require the California Arts Council to locate its headquarters in Sacramento. Passed 32-5.

SJR 40 (Deukmejian) — Would ask Congress to extend federal revenue sharing beyond the current year. Adopted 25-5.

Assembly

BUSINESS AND CONSUMER AFFAIRS

AB 2789 (Knox) — Would allow a district attorney to seek an injunction against a retailer for false advertising without obtaining approval from the attorney general. Passed 60-8.

AB 3013 Boatwright) — Would subject banks to sales and use taxes. Passed 54-20.

SB 1301 (Garcia) — Would require a non-attorney notary public who advertises in Spanish to post a notice that he or she is not a lawyer. Passed 56-18.

ENVIRONMENT

AB 2820 (Goggin) — Would prohibit operation of future nuclear power plants until a nuclear fuel-reprocessing plant is in operation. Passed 44-33.

AB 2821 (Goggin) — Would prohibit construction of a new nuclear power plant until the state Energy Commission has completed a study on the containment of reactors Passed 47-30.

AB 2822 (Nestande) — Prohibits approval of a new nuclear power plant until the Energy Commission determines that federal licensing standards for disposal of nuclear wastes have been adopted. Passed 46-31.

JUSTICE

AB 3050 (Sieroty) — Would permit persons convicted of minor marijuana offenses to request that court records be destroyed. Passed 55-15.

SB 1284 (Wedworth) — Would make it a misdemeanor to possess a motor-vehicle wheel-lock master key with intent to use it unlawfully. Passed 60-8.

LOCAL GOVERNMENT

AB 58 (Keysor) — Would allow certain special districts to conduct elections by mail. Passed 44-17.

AB 2684 (Dixon) — Would allow deputy registrars of voters to be paid by candidates or organizations unless prohibited by local ordinance. Passed 50-24.

MISCELLANEOUS

AB 2877 (Bill Thomas) — Would restrict disclosure of gifts by officials to those received from lobbyists, employers of lobbyists or their agents. Requires voter approval. Passed 41-30.

AB 3104 (Hughes) — Would repeal the one-year residency requirement for persons who apply for welfare in counties with unemployment rates of six percent or more. Passed 51-17.

Assembly (55D, 25R)	AB 2789	AB 3013	SB 1301	AB 2820	AB 2821	AB 2822	AB 3050	SB 1284	AB 58	AB 2684	AB 2877	AB 3104
Alatorre (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Antonovich (R)	Y	N	N	N	N	N	N	N	N	*	N	N
Arnett (R)	Y	N	Y	N	N	Y	N	N	*	N	Y	*
Badham (R)	Y	N	N	N	N	N	N	N	N	N	N	N
Bane (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bannai (R)	Y	*	N	N	N	Y	N	Y	N	Y	Y	N
Berman (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Beverly (R)	Y	N	Y	N	N	Y	Y	*	N	Y	Y	Y
Boatwright (D)	Y	Y	N	Y	Y	Y	Y	*	Y	N	Y	Y
Briggs (R)	Y	N	N	N	N	Y	*	N	Y	*	Y	*
Brown (D)	*	Y	Y	Y	*	Y	Y	*	Y	Y	N	Y
Burke (R)	Y	N	N	N	N	N	N	Y	N	N	*	N
Calvo (D)	*	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
Campbell (R)	Y	N	N	*	N	N	Y	N	Y	Y	*	Y
Carpenter (D)	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y
Chacon (D)	Y	Y	*	N	N	*	*	*	N	Y	Y	N
Chappie (R)	Y	N	*	N	N	Y	Y	*	N	Y	*	N
Chel (D)	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y
Chimbole (D)	Y	Y	N	N	N	Y	Y	N	Y	Y	Y	Y
Cline (R)	Y	N	N	N	N	N	*	N	N	N	N	N
Collier (R)	Y	N	N	N	N	Y	*	N	Y	*	N	N
Craven (R)	Y	Y	N	N	N	Y	N	*	N	Y	N	N
Cullen (D)	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Davis (D)	Y	Y	*	N	N	N	Y	*	Y	Y	N	N
Deddeh (D)	Y	Y	Y	N	N	N	Y	Y	N	Y	Y	Y
Dixon (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N
Duffy (R)	Y	*	Y	Y	N	Y	N	Y	Y	N	Y	N
Egeland (D)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Fazio (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fenton (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N
Foran (D)	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	N
Garamendi (D)	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	N
Goggin (D)	Y	Y	Y	Y	*	Y	*	Y	Y	Y	Y	N
Greene, L. (D)	Y	Y	N	N	Y	*	Y	Y	Y	Y	Y	Y
Gualco (D)	*	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y
Hart (D)	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y
Hayden (R)	Y	N	Y	Y	N	Y	*	Y	N	Y	*	Y
Hughes (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Ingalls (D)	Y	N	Y	Y	*	Y	*	Y	N	Y	N	Y
Kapiloff (D)	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N
Keene (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keysor (D)	*	Y	Y	Y	Y	Y	*	Y	Y	N	Y	N
Knox (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lancaster (R)	Y	N	N	N	N	*	*	N	N	Y	N	N
Lanterman (R)	Y	*	N	N	N	N	Y	*	N	Y	N	*
Lewis (R)	Y	N	N	N	N	Y	Y	N	N	Y	Y	N
Lockyer (D)	*	Y	Y	Y	Y	Y	*	Y	Y	N	Y	N
MacDonald (D)	Y	Y	*	N	Y	Y	Y	*	Y	N	*	Y
Maddy (R)	Y	*	Y	*	*	*	Y	Y	N	Y	*	N
McAlister (D)	Y	Y	Y	N	N	*	Y	Y	Y	N	Y	*
McCarthy (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
McLennan (R)	N	N	N	N	N	*	Y	N	Y	N	*	N
McVittie (D)	N	Y	Y	N	N	Y	N	N	Y	Y	Y	N
Meade (D)	*	Y	Y	Y	Y	Y	N	Y	Y	N	*	N
Miller (D)	N	Y	Y	Y	Y	*	Y	Y	Y	N	Y	*
Mobley (R)	Y	N	*	N	N	*	*	N	N	N	*	N
Montoya (D)	Y	*	Y	Y	Y	Y	Y	*	N	Y	*	N
Mori (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Murphy (R)	N	N	N	N	N	*	*	*	N	Y	*	N
Nestande (R)	Y	N	Y	Y	Y	Y	Y	Y	N	Y	N	N
Nimmo (R)	Y	N	N	N	N	Y	*	N	Y	*	N	*
Papan (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Perino (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Priolo (R)	Y	N	Y	*	*	*	Y	Y	N	Y	N	N
Ralph (D)	*	Y	Y	*	*	*	Y	Y	Y	*	Y	N
Robinson (D)	Y	Y	Y	N	N	N	Y	Y	N	Y	N	N
Rosenthal (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Siegler (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Sieroty (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Suitt (D)	*	Y	Y	N	N	*	Y	Y	N	Y	N	N
Thomas, V. (D)	*	Y	Y	Y	Y	Y	*	Y	Y	*	Y	N
Thomas, W. (R)	Y	N	Y	N	N	Y	*	N	Y	Y	N	N
Thurman (D)	Y	Y	Y	Y	Y	Y	*	Y	Y	N	Y	N
Torres (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Tucker (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Vasconcellos (D)	*	Y	Y	*	Y	Y	*	Y	Y	Y	Y	N
Vicencia (D)	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Warren (D)	Y	*	Y	*	Y	Y	*	Y	Y	N	Y	N
Wilson (D)	N	Y	Y	N	N	N	Y	Y	N	Y	N	N
Wornum (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Selected government reports

Governing California's Coast; by Stanley Scott and others, published by the Institute of Governmental Studies, UC-Berkeley 94720. 457 pp. Available from the Institute.

Energy Alternatives for California: Paths to the Future; prepared by the Rand Corporation for the California State Assembly, with support from the Rockefeller Foundation. 311 pp. Available from the corporation, Suite 525, 455 Capitol Mall, Sacramento 95814.

Self-Regulation of Environmental Quality: Impact Analysis in California Local Government; by Arthur W. Jokela, published by the Center for California Public Affairs, an affiliate of The Claremont Colleges; supported by the U.S. Environmental Protection Agency. 135 pp. Available from the Center, 226 W. Foothill Blvd., Claremont 91711. ($10 plus sales tax)

The Lake Tahoe Study: by the United States Environmental Protection Agency, with John Wise as study manager and principal author. 141 pp. Available from the EPA, 100 California St., San Francisco 94111.

To Stem the Tide: Effective State Marine Fisheries Management: by the Council of State Governments, 85 Post Street, San Francisco 94104. Illustrated. 88 pp. Available from the council. ($3.00)

To Serve Seven Million: report of the Public Commission on Los Angeles County Government, February 1976. Contains recommendations for structural alteration of the county charter. 84 pp. Available from Los Angeles County.

State Cash Balance Management Policy: the Council of State Governments, 85 Post Street, San Francisco 94104. A survey of portfolio management by 36 states. 47 pp. Available from the council. ($3.00)

The Future of Property Tax Limits in California: by California Taxpayers' Association, Suite 800, 921 11th Street, Sacramento 95814. 17 pp. Available from the association. ($5.00)

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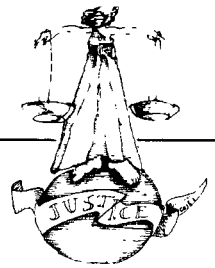

SIGNIFICANT COURT ACTIONS

The tax man cometh — by mail

Californians no longer will be able to avoid paying sales (or use) taxes on all mail-order purchases as a result of a state Supreme Court decision. In a unanimous opinion written by Justice Raymond L. Sullivan, the court ruled that a firm conducting a mail-order business in California must collect the use tax if it maintains the "slightest presence" in the state.

This means that a firm conducting absolutely no activities within the state may be able to avoid collecting the tax, but most large firms will probably have to add it to customers' bills or pay the equivalent tax themselves. In *National Geographic Society* v. *Board of Equalization,* the court found that the maintenance of two advertising offices in the state provided sufficient "presence" to require that the levy be collected.

The Board of Equalization claimed that National Geographic Society sold atlases, globes, maps and books to Californians totaling more than $450,000 in a nine-month period. The court overruled a San Francisco judgment and allowed the state to retain use-tax payments made by the society under protest.

The eagle squeaks

In another unanimous decision, the Supreme Court invalidated a provision of the Fair Political Practices Act of 1974 (Proposition 9) placing spending limitations on ballot-measure campaigns. The decision was expected following the United States Supreme Court ruling that federal spending limits violated the First Amendment right of free speech.

It was ironic that the decision was written by Justice Stanley Mosk, who often has led the court on a divergent path from the United State Supreme Court. In *Citizens for Jobs and Energy* v. *Fair Political Practices Commission,* Mosk said the U.S. court was right when it said that the First Amendment protected advocacy of the passage or defeat of legislation.

The Fair Political Practices Commission had conceded that the federal ruling required the state to follow suit and advised the court that it would no longer enforce the limitations. The immediate impact of the ruling will be a free-spending campaign for and against the Nuclear Power Plants Initiative, Proposition 15 on the June ballot.

Death of a crime

California's 104-year-old criminal libel law was allowed to die in mid-April when the state Supreme Court refused to consider an appeal from a lower-court ruling. Only Justice Mosk indicated that he would have granted a hearing.

The Los Angeles city attorney's office sought a hearing on a case involving the printing of a picture of actress Angie "Police Woman" Dickenson's head superimposed on the body of a nude woman in the *Los Angeles Star.* Superior Judge Arthur K. Marshall and an appellate panel held the law unconstitutional. Maximum punishment under the law would have been a year in jail or a $5,000 fine. The lower court indicated that the law did not meet malice requirements established in landmark United States Supreme Court decisions.

The state court's decision in no way interferes with the right of a person to seek civil damages in a libel suit.

NEWSMAKERS

Eu out, who in?

Secretary of State **March Fong Eu** has decided she doesn't want to live in the new Governor's mansion after all. Her change of mind came after bills were introduced in the Legislature that

would allow her to occupy the home and spend up to $11,130 for a car to take her there in style. She also suggested that the state provide her with $15,000 a year for living expenses in the mansion . . . United States Senator **John V. Tunney** announced that he had converted most of his stock portfolio into ancient Roman coins to avoid any possible conflict of interest.

Walter Kintz resigned as general counsel and chief administrative officer of the near-defunct state Agricultural Labor Relations Board. He said he would return to the National Labor Relations Board, where he worked as an attorney for 15 years . . . **Thomas G. Moore** was fired as head of the state's prepaid health plan program by state Health Director **Jerome S. Lackner,** apparently for refusing to ease up on health-plan reforms.

Patricia Lapan, a San Leandro investment adviser, and **Anthony Quinn,** a researcher for Attorney General Evelle J. Younger, were appointed to the state Fair Political Practices Commission. Quinn was named by Younger, Lapan by Secretary of State Eu . . . **Maurice Weiner,** who resigned as Los Angeles deputy mayor following his conviction for lewd conduct, was hired as a consultant for seven Democratic members of Congress . . . Former Republican Assemblyman **Bill Brophy** of Los Angeles was fined $200 and placed on two years probation after pleading no contest to charges of marijuana possession and driving under the influence of drugs.

Edwin Koupal, the one-time used car salesman who founded the People's Lobby, died of cancer at 48 after deciding that he wanted life-support systems cut off . . . **Ralph J. Gampell** of San Jose, a former doctor, was elected president of the State Bar Association . . . **Kathleen Carlson,** a student at San Francisco State University, was appointed by Governor Brown as the first student member of the State University and Colleges Board of Trustees.

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

The non-organization man

"The sad part about it all is that we had our chance," said the Ronald Reagan aide during the long April political dry spell before the Texas primary. "We had our chance, a very good chance, in New Hampshire and we blew it because we weren't organized. With just a little more organization, we would have won."

It was a rare moment of reality in the Reagan camp, even if the aide was unwilling to talk for attribution. For the Reaganites, the tantalizing might-have-been of New Hampshire is now obscured by the self-delusion of the future Republican convention in Kansas City. When talking on the record, Reagan strategists still persist in asserting that the Republican Party might award its nomination to a candidate who has lost or conceded the major primaries of the East and Midwest to an incumbent Republican President. But it might have been a different story if Reagan had been able to change only 794 votes in New Hampshire.

Reagan had competent field men in the early primary states, notably Jim Lake in New Hampshire and Charles Black in North Carolina. Reagan's national chairman has been a thoughtful Washington attorney named John P. Sears, a onetime Nixon man whom the White House had futilely tried to enlist for a key role in the Ford campaign. And Reagan had a capable press secretary, Lyn Nofziger, now detached for organizational duty in California. Reagan's media man was Harry Treleaven, a key architect of the Nixon resurrection in 1968 but an oddly unguided missile for Reagan in 1976. Traveling with Reagan at all times and providing the inserts in his basic speech was the team that gave America Reagan's radio show, "Viewpoint," in 1975 — chief of staff Michael K. Deaver and research director Peter Hannaford.

* * *

This lineup scarcely constituted the most formidable staff ever assembled, although it had its moments. What was from the first conspicuous by its absence was a campaign organizer — an experienced politician intimately acquainted with the delegation-selection process who could devise a winning strategy and follow through on it. The Reagan forces had no such person nor did Reagan know he stood in need of such an organizer. Clif White, the Goldwater hero of 1964 and Reagan counsel of 1968, had been frozen out by the Reagan staff. Stuart Spencer, whom Ford quickly glommed on to, had long been alienated by the same staff aides. Sears, a Nixon strategist who remained untainted by Watergate, has yet to demonstrate management skills. Deaver's most prominent association with a political campaign was presiding over the glorious defeat of Proposition 1. Hannaford lost his only campaign for public office. Only Nofziger, in his role as 1972 California campaign manager for Nixon, had been associated with operational direction of a winning campaign.

The result of this deficiency was a dependency upon in-state political advice which made Reagan the captive of local political tradition. Reagan is always at his best when he breaks away from tradition, soaring above the battle with television speeches addressed to the homestyle conservatives, often distrustful of party politics. Reagan could have used his distinctive approach in his well-funded New Hampshire and Florida campaigns. Instead, he relied on the advice of a New Hampshire governor of the 1950's, Hugh Gregg, and wandered by bus through the small towns and villages where Estes Kefauver had put down an incumbent president a generation earlier.

Reagan is no Kefauver. His acceptance of the hedgerow style of campaigning surprised and delighted Spencer, the gut-fighting campaign organizer who has made the difference for President Ford. Even so, Reagan nearly pulled it off in New Hampshire. He might have done so if the national and local campaigners had coordinated their efforts. "We all worked well but on different tracks," says a veteran of the Reagan New Hampshire campaign. It could well be the political epitaph for Ronald Reagan.

* * *

The Florida campaign revealed another aspect of local traditionalism. Reagan had an early lead, largely because of the organizational efforts of former state GOP chairman L.E. (Tommy) Thomas. But Thomas exuberantly predicted a 2-1 victory for Reagan, simultaneously setting too high a standard and alarming the national Ford committee. Thomas went unrestrained by the Reagan committee. (In fairness, he is a hard man to restrain.) Meanwhile, Spencer brought in Bill Roberts from California to rescue Ford in Florida. Reagan honored the traditional wisdom that a candidate must appear in every area of Florida. He eschewed television. After New Hampshire, Reagan became tired and dispirited. His four-day-long rest trips back to California were used by pro-Ford newspapers to question his stamina.

All this is history now. Reagan fought back admirably when the Ford committee unwisely tried to pressure him out of the race, and he may well go the distance to the convention. But he will not win the nomination, and he could have. Viewed in the context of the incomparable advantages of the White House incumbency and Ford's superior organization efforts, Reagan's early-primary achievements are truly remarkable. They demonstrate a lingering appeal for Reagan's message, particularly on foreign policy, and a lingering doubt about Ford's capacity. The difference has been organization. As the Reagan aide aptly said: Reagan had his chance and he blew it.

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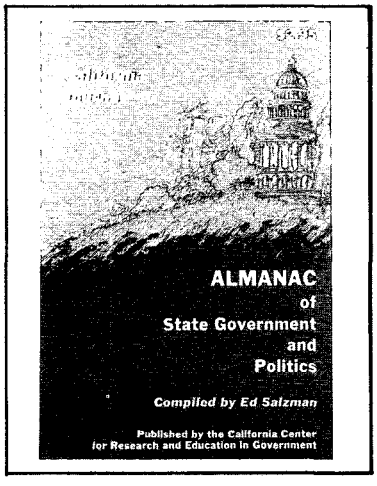

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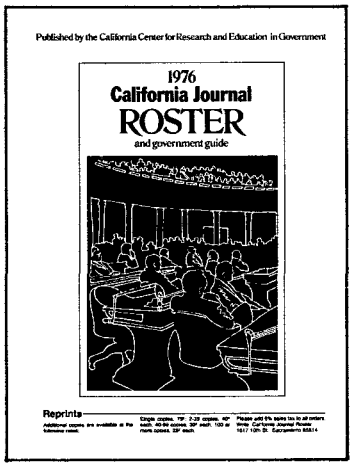

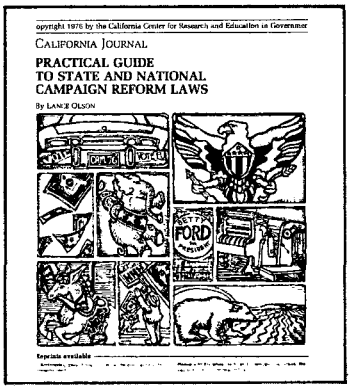

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If a scientist makes a statement, one asks, "Is it true?" If a politician makes a statement, one asks, "Why did he say that?"

— Leo Szilard

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